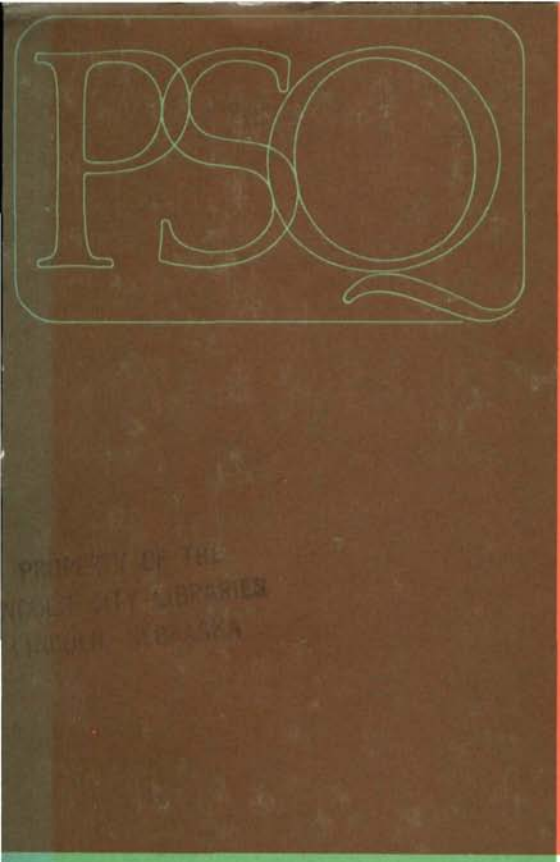


Political Science Quarterly

Per.

JUL 9 1975

PROPERTY OF THE
LINCOLN CITY LIBRARIES
LINCOLN, NEBRASKA

Vol. 90 No. 2 Summer 1975

PUBLISHED BY
THE ACADEMY OF POLITICAL SCIENCE

ELECTION CAMPAIGN FINANCING: THE 1974 REFORMS
David Adamany
George Agree

BIPARTISANSHIP, SENATOR TAFT, AND THE TRUMAN ADMINISTRATION
Henry W. Berger

HANOI'S THREE DECISIONS AND THE ESCALATION OF THE VIETNAM WAR
King C. Chen

THE DOUBLE STANDARD OF CONSTITUTIONAL PROTECTION
Richard Funston

"HUMAN" RIGHTS VS. "PROPERTY" RIGHTS: A COMMENT ON THE "DOUBLE STANDARD"
Henry J. Abraham

AMERICAN BUSINESSMEN AND FOREIGN POLICY
N. Stephen Kane

THE ROLE OF TRADE UNIONS IN POLAND
Howard T. Ludlow

BOOK REVIEWS

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

EDITORIAL ADVISORY BOARD OF THE POLITICAL SCIENCE QUARTERLY

ALLAN BLOOM
University of Toronto

INIS L. CLAUDE, JR.
University of Virginia

LEWIS A. COSER
State University of New York at Stony Brook

LEWIS J. EDINGER
Columbia University

RICHARD R. FAGEN
Stanford University

CHARLES V. HAMILTON
Columbia University

FRANCIS A. J. IANNI
Teachers College, Columbia University

ROBERT L. JERVIS
University of California, Los Angeles

JOYCE K. KALLGREN
University of California, Davis

DORIS H. KEARNS
Harvard University

WILLIAM S. LIVINGSTON
The University of Texas at Austin

ALPHEUS T. MASON
Princeton University

ROBERT A. MCCAUGHEY
Barnard College, Columbia University

NELSON W. POLSBY
University of California, Berkeley

JEFFREY L. PRESSMAN
Massachusetts Institute of Technology

ROBERT D. REISCHAUER
Congressional Budget Office

SUSANNE HOEBER RUDOLPH
University of Chicago

ARTHUR M. SCHLESINGER, JR.
City University of New York

GEORGE L. SHERRY
United Nations

MARSHALL D. SHULMAN
Columbia University

GADDIS SMITH
Yale University

TOM WICKER
The New York Times

M. CRAWFORD YOUNG
University of Wisconsin—Madison

Issued in Spring, Summer, Fall, and Winter, the POLITICAL SCIENCE QUARTERLY is published by the Academy of Political Science, 2852 Broadway, New York, New York, 10025. Subscriptions are obtained through membership in the Academy. Regular membership, $14 a year. Three years, $35. Students, $10 a year. Libraries and institutions, $17 a year. Foreign postage, $2 additional per year. Second-class postage paid at New York, New York, and additional mailing offices. Volume 90 Number 2. Summer 1975.

Subscribers are urged to notify the Academy of any change in address.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Political Science Quarterly

Managing Editor

DEMETRIOS CARALEY

Barnard College
Columbia University

Assistant Managing Editor

MARY ANN EPSTEIN

. . . .

Associate Editor

JOYCE FINE SCHULTZ

The POLITICAL SCIENCE QUARTERLY is a nonpartisan journal devoted to the study of contemporary and historical aspects of government, politics, and public affairs.

Publishing continuously since 1886.

Copyright © 1975, by The Academy of Political Science.
All rights reserved.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The Academy's fall conference will be held in cooperation with the Center of Canadian Studies (School of Advanced International Studies), Johns Hopkins University, Washington, D.C. The topic will be "Canadian and United States Relations." Detailed programs will be mailed to members of the Academy.

Manuscripts, books for review, and editorial correspondence should be addressed to the Managing Editor, POLITICAL SCIENCE QUARTERLY. Manuscripts must be submitted in duplicate and accompanied by an abstract of between 100 and 200 words specifying the article's major theme or conclusions. Authors wishing their manuscripts returned must enclose return postage. Correspondence concerning advertising and reprint permission should be addressed to William V. Farr, Business Manager, The Academy of Political Science. Editorial and business offices: 2852 Broadway, New York, New York 10025.

Articles that appeared in the POLITICAL SCIENCE QUARTERLY before 1953 are indexed in *The Reader's Guide to Periodical Literature* and since that year in the *Social Sciences Index*. Currently articles are also listed in *ABC Pol Sci*, the *International Bibliography of Political Science*, and the *Public Affairs Information Services Bulletin* and abstracted in *The International Political Science Abstracts*, *Historical Abstracts*, and *America: History and Life*. Book reviews are listed in the *Book Review Index to Social Science Periodicals*, *Book Review Index*, and *Book Review Digest*. A title page and an index of articles and book reviews for each volume of the QUARTERLY are included in its Winter issue.

Back issues prior to 1966 and reprint editions may be ordered from Kraus Reprint Corporation, 16 East 46th Street, New York, New York 10016. Other back issues may be ordered from the Academy. A check payable to the Academy of Political Science should accompany all orders. Single issue, $3.50. Reprints of articles are available from University Microfilms, 300 North Zeeb Road, Ann Arbor, Michigan 48106. One copy, $3.00. Additional copies, $.50 each. Complete issue, $.08 per page.

Library of Congress Catalog Card Number: 7-36315.

Printed by Capital City Press, Montpelier, Vermont.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Political Science Quarterly

Volume 90
Number 2
Summer 1975

Contents

Election Campaign Financing: The 1974 Reforms
DAVID ADAMANY AND GEORGE AGREE 201

Bipartisanship, Senator Taft, and the Truman Administration
HENRY W. BERGER 221

Hanoi's Three Decisions and the Escalation of the Vietnam War
KING C. CHEN 239

The Double Standard of Constitutional Protection in the Era of the Welfare State
RICHARD FUNSTON 261

"Human" Rights vs. "Property" Rights: A Comment on the "Double Standard"
HENRY J. ABRAHAM 288

American Businessmen and Foreign Policy: The Recognition of Mexico, 1920–1923
N. STEPHEN KANE 293

The Role of Trade Unions in Poland
HOWARD T. LUDLOW 315

Book Reviews 325

Reference Books and Source Materials Received 409

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Book Reviews

Wattenberg, The Real America: A Surprising Examination of the State of the Union — James L. Sundquist — 325

The Ripon Society and Brown, Jaws of Victory: The Game-Plan Politics of 1972, the Crisis of the Republican Party, and the Future of the Constitution — Everett Carll Ladd, Jr. — 326

Elliott, The Rise of Guardian Democracy: The Supreme Court's Role in Voting Rights Disputes, 1845–1969 — C. Herman Pritchett — 328

Polsby, Political Promises: Essays and Commentary on American Politics — Earl Latham — 329

Isaacs, Jews and American Politics — Lawrence H. Fuchs — 331

Karl, Charles E. Merriam and the Study of Politics — Harold D. Lasswell — 332

O'Brien, No Final Victories: A Life in Politics from John F. Kennedy to Watergate — Edward N. Costikyan — 334

Mayhew, Congress: The Electoral Connection — Benjamin I. Page — 335

Bacchus, Foreign Policy and the Bureaucratic Process: The State Department's Country Director System; *White*, The Politics of Foreign Aid — Henry M. Wriston — 337

Brannon, Energy Taxes and Subsidies — Nina W. Cornell — 340

Gaylin, Partial Justice: A Study of Bias in Sentencing — Herbert Jacob — 341

Robinson, ed., State Legislative Innovation: Case Studies of Washington, Ohio, Florida, Illinois, Wisconsin, and California; *Rosenthal*, Legislative Performance in the States: Exploration of Committee Behavior — Donald Haider — 342

Kirkpatrick, Political Woman; *Currell*, Political Woman — Jo Freeman — 345

Wirt, Power in the City: Decision Making in San Francisco — Lorenzo Morris — 347

Benjamin, Race Relations and the New York City Commission on Human Rights — Eleanor Holmes Norton — 348

Aberbach and Walker, Race in the City: Political Trust and Public Policy in the New Urban System — Francine F. Rabinovitz — 350

Levison, The Working-Class Majority — Norman I. Fainstein — 351

MacKenzie, The Appearance of Justice — William J. Cibes, Jr. — 353

Kendrick, The Wound Within: America in the Vietnam Years, 1954–1974 — Murray Polner — 355

Neu, The Troubled Encounter: The United States and Japan — Roger Dingman — 356

Davis, The Cold War Begins: Soviet-American Conflict Over Eastern Europe — Lisle A. Rose — 358

Walters, The Nuclear Trap: An Escape Route — George H. Quester — 359

Rikhye, Harbottle, and Egge, The Thin Blue Line: International Peacekeeping and Its Future — George L. Sherry — 360

Vincent, Nonintervention and the International Order — Robert S. Wood — 363

Wilkins, The Maturing of Multinational Enterprise: American Business Abroad from 1914 to 1970 — Robert G. Hawkins — 364

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Weissberg, Political Learning, Political Choice, and Democratic Citizenship — Roberta S. Sigel — 366
Renshon, Psychological Needs and Political Behavior — Wilbur C. Rich — 367
Crozier, A Theory of Conflict — Lewis A. Coser — 369
Berelson, ed., Population Policy in Developed Countries — Myron Weiner — 370
Rose, ed., Electoral Behavior: A Comparative Handbook — William Schneider — 373
Granatstein, Canada's War: The Politics of the Mackenzie King Government, 1939–45 — Richard A. Preston — 376
Headey, British Cabinet Ministers: The Roles of Politicians in Executive Office — Leon D. Epstein — 377
Hiro, Black British, White British — Ira Katznelson — 379
Kolodziej, French International Policy under De Gaulle and Pompidou: The Politics of Grandeur — Roy C. Macridis — 380
Raeymaeker, Andries, Grollen, De Fraye, and Govaerts, Small Powers in Alignment — Annette Baker Fox — 383
Wesson, The Russian Dilemma: A Political and Geopolitical View — Saul B. Cohen — 384
Chilcote and Edelstein, eds., Latin America: The Struggle with Dependency and Beyond — Barbara Stallings — 386
Stevens, Protest and Response in Mexico — Patricia Weiss Fagen — 388
Jonas and Tobias, eds., Guatemala — Peter Winn — 389
Avi-hai, Ben-Gurion: State-Builder — Sylvia Kowitt Crosbie — 391
Ismael, The Middle East in World Politics — O. M. Smolansky — 392
Bereket, The Executive in African Governments — Francis X. Sutton — 394
Ogunsanwo, China's Policy in Africa 1958–1971 — Edward Friedman — 395
Heard, General Elections in South Africa, 1943–1970; *Leftwich, ed.*, South Africa: Economic Growth and Political Change — John Stone — 397
Robertson, Transition in Africa: From Direct Rule to Independence — L. Gray Cowan — 400
Kabwegyere, The Politics of State Formation: The Nature and Effects of Colonialism in Uganda — James H. Mittelman — 401
Burke, Mainsprings of Indian and Pakistani Foreign Policies — Lawrence Ziring — 403
Jones, Urban Politics in India: Area, Power, and Policy in a Penetrated System — Philip Oldenburg — 405
Hughes, The Sea Change: The Migration of Social Thought, 1930–1965 — Henry Pachter — 406
Avineri, Hegel's Theory of the Modern State — Z. A. Pelczynski — 407

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

From the Managing Editor:

In this issue . . .

DAVID ADAMANY and GEORGE AGREE analyze the political context and legislative tactics that led to enactment of campaign finance reform legislation in 1974. Critically reviewing its provisions, the authors argue that the new act ignores such fundamental contours of American politics as the separation of powers, the delicate balance between candidates and parties, the historic role of minor parties, and the First Amendment freedoms to speak and associate.

HENRY W. BERGER explains the emergence of "bipartisanship" in foreign policy in the years after World War II. He demonstrates how Senator Robert Taft refused to concede that his expression of disagreement with certain Truman administration foreign policies was a violation of the spirit of bipartisanship and therefore somehow unpatriotic.

KING C. CHEN draws on a variety of evidence to analyze three key decisions made in Hanoi between 1959 and 1961 and shows how these decisions played a decisive role in the origin and escalation of the Vietnam war and the defeat of the anti-Communist regime in Saigon.

RICHARD FUNSTON traces the development of a purported constitutional "double standard," whose application by the Supreme Court gave greater protection to civil liberties than to property rights. He argues that the Court should explicitly reject the "double standard" in favor of a policy that would afford the same degree of constitutional protection against legislative regulations, whatever the subject regulated.

HENRY J. ABRAHAM, commenting on the Funston article, denies that the Supreme Court can or should play as active a role in protecting property rights as the "magnificent" one it has played "in the articulation and safeguarding of our cherished fundamental liberties."

N. STEPHEN KANE presents a case study of the influence of the business community between 1920–1923 on the question of recognition of the Obregón regime in Mexico. He concludes that businessmen had little effective influence on that foreign policy decision.

HOWARD T. LUDLOW examines the structure and operations of the socialist trade union movement in Poland. Despite the absence of American-style collective bargaining, Ludlow argues that the role of labor organizations in a state-controlled economy is more positive and forceful than is commonly believed.

DEMETRIOS CARALEY

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Election Campaign Financing: The 1974 Reforms

DAVID ADAMANY
GEORGE AGREE

The Federal Campaign Act of 1974[1] marks a major turning point in the regulation of political finance in the United States. First, it implements to an unprecedented degree the principal reform approaches born in the Progressive era, by placing ceilings on campaign expenditures, by setting low limits on contributions and imposing strict limits on the aggregate donations of individuals, by strengthening already sweeping requirements for full disclosure of campaign finances, and by establishing an independent agency to enforce political finance regulations. Second, as a major innovation, the act introduces public financing of campaigns—a step taken earlier by other democracies and by the American Commonwealth of Puerto Rico, widely debated in the United States, but not enacted on the state or national level until the Watergate era.

[1] Federal Election Campaign Act of 1974, Public Law 93–443, 93d Cong., 2d Sess., 1974.

DAVID ADAMANY is associate professor of political science at the University of Wisconsin-Madison and is presently serving as Wisconsin's secretary of revenue.[1] He is the author of *Financing Politics; Campaign Finance in America;* and *Campaign Funds as an Intraparty Resource.* GEORGE AGREE is director of the Committee for the Democratic Process. He formerly served as executive director of the National Committee for an Effective Congress, and he was active in developing the 1967 voucher plan for publicly financing presidential campaigns. David Adamany and George Agree are also coauthors of the new book, *Political Money.*

Political Science Quarterly Volume 90 Number 2 Summer 1975

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Whether the 1974 Campaign Act will ever be fully implemented is an open question: a number of original supporters of campaign finance reform are having second thoughts about the policy implications of some of the act's features. Its very constitutionality is being challenged in a lawsuit brought by an unlikely coalition including Senator James Buckley, former Senator Eugene McCarthy, the New York Civil Liberties Union, and the Conservative party of New York. The Supreme Court is expected to decide their case before the end of 1975; and, whatever their decision, the justices will thereby delineate important new parameters for the conduct of American elections.

The Backdrop

Congress first began to regulate the aspects of campaign financing covered by the 1974 act in 1910. That year, legislation was enacted that required candidates for senator and representative and political committees operating in two or more states—i.e., committees for presidential candidates—to file with the clerk of the House of Representatives reports of contributions of over $100 received and of persons to whom payments of more than $10 were made. Over the years these reports were fragmentary and incomplete; the law did not provide effective enforcement machinery for ensuring the disclosures mandated, nor did it require reports on contributions or payments made for primary campaigns. With the passage in 1925 of the Corrupt Practices Act, Congress set ceilings on campaign spending at $2500 to $5000 for a House candidate and at $10,000 to $25,000 for a Senate candidate.

In 1940, amendments to the 1939 Hatch Act set ceilings of $3 million on spending by political committees operating in two or more states. The Hatch Act amendments also prohibited contributions of more than $5000 a year by an individual to a candidate for an elective federal office or to a committee campaigning on behalf of such candidates. These limitations were all easily evaded, both by candidates proliferating the number of committees making expenditures on their behalf and by wealthy individuals making a multiplicity of contributions in the names of different members of their families.

Since 1907 Congress has also placed prohibitions on the sources from which political contributions may come. In that year, corporations were prohibited from making political contributions and expenditures. This ban was extended to public utility holding companies and their subsidiaries in 1935 and to labor unions by wartime legislation in 1943 and then permanently by the Taft-Hartley Act in 1947. The law, however, does permit expenditures by corporations and unions to communicate to stockholders, union members, and their families, to sponsor nonparti-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

san registration and get-out-the-vote drives, and to operate segregated voluntary political funds. These prohibitions and exceptions were left unchanged by the 1974 act.

The modern thrust toward reform of national political financing practices dates from the report of President Kennedy's Commission on Campaign Costs in 1962, which urged full disclosure of campaign financing, with a separate agency to enforce the laws.[2] Following the pattern established in 1952 by Florida's "sunshine law,"[3] the commission urged that disclosure would sufficiently regulate political money and that "the present meaningless ceilings on individual contributions and on total expenditures . . . be abolished." If other measures failed to curb abuses, the commission suggested that the government match private contributions to candidates up to $10 with federal tax funds. In the meantime, the commission suggested a more modest government role: federal tax deductions and credits for modest campaign gifts.

In 1966 President Johnson recommended tax incentives for small political contributions and sweeping full disclosure of political finances. His proposals were overshadowed, however, by Senator Russell Long's bolder move to allow citizens to check off $1 of their income taxes to finance presidential general election campaigns.[4] Long's masterful advocacy, his influence as chairman of the Senate Finance Committee and as assistant majority leader, and his superior parliamentary skills helped steer this pioneering measure through the Senate, then through the conference committee, and finally into law.

In 1967, however, Republicans and disaffected liberal Democrats—some moved by opposition to the president's foreign policy, others by fear that public financing would strengthen the president's hand politically—joined to suspend operation of the check-off, which Mr. Johnson had heartily endorsed. The debate stretched over five weeks and required thirteen roll calls. In defeat, Senator Long and the president demonstrated that public financing of campaigns commanded undreamed of support in the Senate.

In September 1970, Congress moved in a wholly different direction, re-

[2] President's Commission on Campaign Costs, *Financing Presidential Campaigns* (Washington, D.C., 1962).

[3] See Elston E. Roady, "Florida's New Campaign Expense Law and the 1952 Democratic Gubernatorial Primaries," *American Political Science Review*, 48 (June 1954), 465–476. For a more comprehensive survey of the law's operation see Roady, "Ten Years of Florida's 'Who Gave It—Who Got It' Law," *Law and Contemporary Problems*, 27 (Summer 1962), 434–454.

[4] For an extended description of the maneuvering surrounding the Long Plan, see Herbert E. Alexander, "The Presidential Election Campaign Fund Act: The American Subsidy that Wasn't," *Jahrbuch Des Öffentlichen Rechts Der Gegenwart*, Neue Folge/Band 17, pp. 597–614.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

sponding to the emergence of television advertising as a major force in campaigns. The Political Broadcast Act of 1970 limited radio and television spending by candidates for federal offices and for governor and lieutenant-governor in both primaries and general elections.[5] It also repealed the equal-time provision of the Federal Communications Act in presidential campaigns, opening the way for media debates between major party candidates in 1972. The act fell victim to President Nixon's veto, which was sustained by the Senate.

In 1972, Congress again passed campaign finance legislation and the president reluctantly approved it. The Federal Election Campaign Act of 1971 required the most comprehensive disclosure of campaign contributions and expenditures in American history.[6] It also imposed limits on spending for media advertising and on expenditures by candidates and their families. While the Senate secretary and House clerk continued as depositories for finance disclosures by candidates for the respective houses, the comptroller-general was given those duties for presidential candidates and national committees. His vigorous discharge of those responsibilities in 1972 was instrumental in persuading Congress that independent enforcement should be included in the 1974 act. The 1971 act repealed the spending limits and the $3000 contribution limits of the Corrupt Practices Act of 1925. Like the President's Commission, Congress apparently believed such limits were unworkable and that full disclosure would adequately police campaign financing.

In the Revenue Act of 1971, Congress went further.[7] It enacted tax deductions and credits for small campaign contributions. Faced with a national committee debt of $9 million on the eve of the 1972 campaign, national Democratic party leaders renewed their push for a tax check-off and Senate Democrats added this feature as an amendment to the act. Fearful that the president would veto the whole measure, which was intended to spur the lagging national economy, Representative Wilbur Mills and the other House conferees insisted the tax check-off be deferred. As passed, the act provided only that taxpayers could begin

[5] The legislative politics and the provisions of the Broadcast Act are detailed in Robert L. Peabody, Jeffrey M. Berry, William G. Frasure, and Jerry Goldman, *To Enact a Law* (New York, 1972).

[6] The Federal Election Campaign Act of 1971, Public Law 92–225, 92d Cong., 2d Sess., 1972. The politics, provisions, and early administration of the act are described in Jeffrey M. Berry and Jerry Goldman, "Congress and Public Policy: A Study of the Federal Election Campaign Act of 1971," *Harvard Journal on Legislation*, 10 (February 1973), 331–365; also, Herbert E. Alexander, *Money in Politics* (Washington, D.C., 1972), pp. 305–312.

[7] The Revenue Act of 1971, Public Law 92–178, 92d Cong., 2d Sess., 1972, Title VII (tax deductions and credits) and Title VIII (the Presidential Election Campaign Fund Act of 1971).

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

checking off for the Presidential Election Campaign Fund on their 1973 tax returns; appropriation of the money for campaigns would require further congressional action.

New Impetus for Reform

The aftermath of the 1972 election made comprehensive campaign finance legislation inevitable. First, the full disclosure provisions of the 1971 act revealed campaign financing patterns that startled and shocked public officials as well as citizens and the press. Campaign expenditures for all nomination and election contests at the local, state, and national levels rose from an estimated $300 million in 1968 to about $425 million in 1972.[8] The Nixon presidential campaign managers spent a staggering $56 million—more than double the previous high of $25 million reached in the 1968 Nixon-Agnew canvass. The McGovern-Shriver ticket spent $49 million, more than four times Hubert Humphrey's 1968 costs. Congressional campaign spending rose from an estimated $71.6 million in 1970 to more than $77.2 million in 1972.[9]

It also became clear that the media-spending limits enacted in 1972 had little or no effect on campaign outlays.[10] While presidential media spending was down, this apparently stemmed from changing political strategies rather than legal limitations. Few congressional candidates were affected by the limits, as several analysts showed. And in rare instances where the limits were reached, campaign money was displaced to other purposes.

Revelations about fund raising were even more striking. The Nixon campaign desperately attempted to conceal its money sources by collecting vast sums before the effective date of the 1971 act. Forced to disclose

[8] The expenditure estimates from 1952 to 1968 are reported in Alexander, *Money in Politics*, p. 34. The 1972 estimate is by David Adamany and George Agree, *Political Money: A Strategy for Campaign Financing in America* (Baltimore, 1975), p. 19.

[9] Presidential campaign expenses for 1968 are found in Herbert E. Alexander, *Financing the 1968 Election* (Lexington, Mass., 1971), pp. 80 (Nixon), 84–85 (Humphrey), 89 (Wallace). Those for 1972 are based on Office of Federal Elections, *Report of 1972 Presidential Campaign Receipts and Expenditures* (Washington, D.C., 1974). The 1970 congressional figures are from Alexander, *Money in Politics*, p. 24. The 1972 data are reported in Common Cause Campaign Finance Monitoring Project, *1972 Congressional Campaign Finances*, 10 vols. (Washington, D.C., 1974), p. vii. The 1972 congressional figures probably understate true expenditures, because they are based on official reports filed under the 1971 act, which did not go into effect until April 7, 1972. The 1972 presidential spending statements have been supplemented to include pre-April 7 outlays.

[10] Adamany and Agree, *Political Money*, chap. 5. Also, Comment, "Campaign Spending Controls under the Federal Election Campaign Act of 1971," *Columbia Journal of Law and Social Problems*, 8 (1972), 309–312, 317–319.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

by Common Cause lawsuits, the president's men acknowledged raising $16.8 million (28 percent of all funds) from 124 contributors of $50,000 or more.[11] Studies by Representative Les Aspin showed that the Committee for the Re-Election of the President obtained $5.4 million from officials of the 100 largest defense contractors and almost $5 million from officials of 178 leading oil companies.[12] Dozens of corporations and corporate officers would ultimately be found criminally guilty of using company funds for political donations.[13]

Second, despite the most extensive media and mail appeals in history, only 12 percent of Americans contributed to politics in 1972—the same percentage that gave in 1960 and 1964.[14] The newly enacted tax incentives did not expand political giving; only 2.5 percent of taxpayers took the credit and only 1.3 percent used the deduction.[15] Treasury figures reveal that high-income taxpayers used tax incentives very disproportionately.

Further, the Internal Revenue Service, apparently reflecting the Nixon administration position, buried the 1973 tax check-off option on a separate schedule deep in the tax booklet. Only 3 percent of taxpayers checked off. In the summer of 1973, however, Congress forced the IRS to put the check-off option on the front of the 1974 returns, and participation leaped to 15 percent (compared to a previous high of citizen giving in congressional years of 9 percent).[16] The 1974 experience encouraged further experimentation with the check-off.

Third, public attitudes toward reform were changing dramatically. In 1964, opinion polls showed Americans rejected public financing of presidential campaigns by a lopsided 71 percent to 11 percent. By the fall of 1973, the public mood had reversed itself: 65 percent favored tax support for both presidential and congressional campaigns; only 24 percent opposed it. A year later public support had increased to 67 percent.[17]

[11] Adamany and Agree, *Political Money*, p. 32.

[12] Office of Representative Les Aspin, "Study Shows Defense Contractors Gave $5.4 Million to Nixon Campaign" (Washington, D.C., 1972). "Oil Companies: $5-Million in Donations to Nixon," *Congressional Quarterly Weekly Report*, 32, no. 3 (January 19, 1974), 113–115.

[13] Center for Public Financing of Elections, *Progress Report No. 8* (Washington, D.C., May 17, 1974), pp. 2–3.

[14] The 1972 figure is from a nationwide poll conducted by the National Opinion Research Center of the University of Chicago for the Twentieth Century Fund Project on Campaign Financing. The earlier years are reported in Alexander, *Money in Politics*, pp. 335–336.

[15] Adamany and Agree, *Political Money*, chap. 7.

[16] "Campaign Fund Tax Check-Off Gains in Users," *Congressional Quarterly Weekly Report*, 32, no. 27 (July 6, 1974), 1742–1744.

[17] The 1964 figures are from a nationwide poll by the Survey Research Center of

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Fourth, an effective lobby for campaign finance reform, especially public financing, emerged for the first time. The spearhead was Common Cause, which brought to the fray substantial resources—a relatively large, well-educated, and attentive membership; ample funds; a skilled Washington staff; and a genius for winning media attention. In addition to the usual techniques of legislative lobbying, Common Cause used meticulous research and relentless litigation to good advantage. Its 1972 congressional campaign finance monitoring project revealed the amounts spent, the size of gifts, the special interest contributions, and the money edge of incumbents in every congressional race in the country.

Joined with Common Cause were the Center for the Public Financing of Elections, union labor, the National Committee for an Effective Congress, the League of Women Voters, the National Women's Political Caucus, and others. The center reported in December 1973 that eighteen groups were coordinating legislative strategy to enact public financing. Most important, the nation's leading newspapers overwhelmingly endorsed campaign reform, including public subsidies. Even those with strong conservative leanings, such as the *Los Angeles Times* and columnist James Kilpatrick, who had previously opposed public financing, now found it meritorious.

Fifth, Watergate greatly influenced the climate of opinion in which Congress acted. Watergate itself involved already illegal uses of money—unreported contributions and expenditures, illegal funding sources, financing of criminal activities, and the rest. Watergate's effect, however, was to arouse public opinion against current political practices of other kinds; the congressional response was reform in many quarters, often unrelated directly to any specific conduct surrounding the Watergate burglary.

Sixth, there was a host of reform precedents and examples for Congress to follow. Public sentiment was reflected first in the states, and more than forty legislatures enacted a rich variety of new campaign finance regulations before Congress and the president finally acted. Six states included public financing provisions in their statutory revisions: Iowa, Minnesota, Montana, Rhode Island, and Utah adopted tax check-off plans, and New Jersey enacted a system of public matching grants for private contributions.

Finally, presidential influence was eroded, and the opposition of Richard Nixon and then Gerald Ford to public financing of campaigns counted little in the legislative process. Nixon's weakness was Watergate and the

---

the University of Michigan. The 1973 and 1974 figures are found in George Gallup, "U.S. Financing of Campaigns," *San Francisco Chronicle*, September 19, 1974, p. 6.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

rising impeachment tide. Despite a March 8 warning that he would veto any public financing measure, the Senate passed a sweeping bill on April 11, 1974. A Republican staffer then said, "The White House won't be an influence in the House among middle-of-the-road Republicans because it has totally lost credibility."[18] Furthermore, since members of Congress believe themselves expert in campaign financing questions, they were less reliant for information on the Executive and would give less weight to its opinions.

The Politics of Enactment

Passage of the 1974 act was witnessed by the bitter and protracted legislative maneuvering that frequently signals changes in underlying rules of politics and therefore presages permanent shifts in political power. On July 30, 1973, the Senate passed S. 372, providing spending and contribution limits, strengthening full disclosure, and establishing an independent enforcement agency.[19] An amendment by Senators Edward Kennedy and Hugh Scott, providing public subsidies in general election campaigns for Congress, was tabled by a vote of fifty-three to thirty-eight.[20] But its proponents' strength suggested that for the first time a majority of the Senate might support public subsidies for congressional as well as presidential races.

Campaign reform was quietly stalled in the House, where Representative Wayne Hays, chairman of the Administration Committee and Representative John Dent, chairman of its Subcommittee on Elections, held protracted hearings through the end of the session.[21] Impatient with the House delay, the Senate, in November 1973 used a temporary debt ceiling extension bill as a vehicle to pass public financing for both presiden-

[18] "Campaign Reform: Public Financing Faces House Test," *Congressional Quarterly Weekly Report*, 32, no. 19 (May 11, 1974), 1213.

[19] S. 372, 93d Cong., 1st Sess., 1973. Both the Commerce Committee and the Rules and Administration Committee had considered S. 372, because its provisions overlapped their respective jurisdictions. See, U. S. Congress, Senate, Committee on Commerce, *The Federal Election Campaign Act of 1973*, 93d Cong., 1st Sess., 1973, Sen. Rept. 93–170; and U. S. Congress, Senate, Committee on Rules and Administration, *Federal Election Campaign Act of 1973*, 93d Cong., 1st Sess., 1973, Sen. Rept. 93–310.

Debate on S. 372 is found at U.S., *Congressional Record*, 93d Cong., 1st Sess., 1973, vol. 119, July 25, S14683–14717; July 26, S14782–14822; July 27, S14829–14832, S14838–14868; July 28, S14973–14980, S14982–15005; July 30, S15064–15097.

[20] The debate is found ibid., July 26, S14803–14816, and the roll call at S14816.

[21] The committee maneuvering by Representatives Hays and Dent is described in *Congressional Quarterly Weekly Report*, 31, no. 40 (October 6, 1973), 2666–2667 and no. 48 (December 1, 1973), 3147.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tial and congressional general elections and for presidential primary races.[22] A compromise worked out between Senate and House leaders to retain the presidential public financing provisions at final passage floundered when Senate opponents filibustered it to death.[23]

On April 11, 1974, the Senate passed S. 3044, which would ultimately become the 1974 act. It combined provisions of S. 372 with public financing of both primary and general election campaigns for both president and Congress. Senate action came after the bill's supporters overcame a filibuster by winning only the fourteenth of seventy-six cloture votes taken since the adoption of Rule 22 in 1917.[24]

The House continued its delay until August 8, 1974. Its bill added one new feature, public financing of presidential nominating conventions. But it rejected public financing of congressional campaigns and approved only a weak enforcement agency.[25]

Even the Conference Committee was the scene of bitter disagreement. The House objected to the Senate conferees, who were drawn not only

[22] H.R. 11104, 93d Cong., 1st Sess., 1973. The debate is reported in U.S., *Congressional Record*, 93d Cong., 1st Sess., vol. 119, November 27, S21148–21197, S21210–21125.

[23] Maneuvering in the House to save the public financing provisions of the bill is described in "Sen. Allen Delays Action on Campaign Reform, Debt Bill," *Congressional Quarterly Weekly Report*, 31, no. 48 (December 1, 1973), 3163. The House discussion and vote returning H.R. 11104 to the Senate is found in U.S., *Congressional Record*, 93d Cong., 1st Sess., vol. 119, November 29, H10312–10318.

The extended Senate debate is reported at U.S., *Congressional Record*, 93d Cong., 1st Sess., vol. 119, November 30, S21495–21505, S21575–21578; December 1, S21631–21634; December 2, S21638–21647; December 3, S21707–21726.

[24] S. 3044, 93d Cong., 2d Sess., 1974. U.S. Congress, Senate, Committee on Rules and Administration, *Federal Election Campaign Act Amendments of 1974*, 93d Cong., 2d Sess., 1974, Sen. Rept. 93–689. Extensive hearings had already been held by the committee. U.S. Congress, Senate, Subcommittee on Privileges and Elections, Committee on Rules and Administration, *Hearings on S. 1103, S. 1954, and S. 2417*, 93d Cong., 1st Sess., 1973.

The extended debate is found at U.S., *Congressional Record*, 93d Cong., 2d Sess., vol. 120, March 26, S4438–4441, S4454–4471; March 27, S4542–4560, S4565–4566, S4568–4574; March 28, S4702–4722, S4725–4727; March 29, S4799–4804, S4809; April 1, S4921–4942, S4944–4946; April 2, S5061–5064, S5066–5086; April 3, S5173–5196; April 4, S5271–5281, S5235–5298; April 5, S5326–5327, S5332–5340, S5341; April 8, S5411–5416, S5419, S5433–5434, S5439–5440; April 9, S5531–5565; April 10, S5646–5654, S5688–5709; April 11, S5829–5864.

[25] H.R. 16090, 93d Cong., 2d Sess., 1974. See, U.S. Congress, House of Representatives, Committee on Administration, *Federal Election Campaign Act Amendments of 1974*, 93d Cong., 2d Sess., 1974, House Rept. 93–1239.

Debate on H.R. 16090 in the Committee of the Whole and in the House is found at U.S., *Congressional Record*, 93d Cong., 2d Sess., 1974, vol. 120, August 7, H7806–7851; August 8, H7892–7947.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

from the bill's parent committee but also from two other related committees and from among the bill's floor leaders who had no pertinent committee assignment.[26] The Senate's purpose was to bolster its position against the beligerent and obdurate tactics Wayne Hays had used in the conference over the 1971 act.[27] Faced with 138 points of difference, the conferees deliberated for thirteen days, until September 30, before the Senate gave way on congressional financing and accepted a weakened enforcement arm.[28] On October 15, President Ford reluctantly approved the act, expressing reservations about public financing and the First Amendment implications of contribution limits, but apparently fearful of vetoing a campaign reform bill on the eve of the 1974 congressional elections.

The protracted consideration of the 1974 act reflected deep reservations by many members of Congress. Its opponents feared that public financing would lead ultimately to government interference in free elections, perhaps by manipulating grants to advantage some candidates and parties over others. These fears may have been reenforced by the frequency with which proponents attempted to short-circuit usual legislative procedures by attaching their proposals to unrelated measures. This was the strategy of the original Long Plan in 1966, of the check-off attached to the 1971 Revenue Act, of the elimination of party choice in the check-off in the Debt Ceiling Act of 1973, and of the unsuccessful public financing plan advanced as an amendment to the debt ceiling revision act in November 1974. Proponents insisted, however, that public financing would promote free elections by eliminating the grip of big money and special interests on candidates and officeholders.

A second vew, strongly held by many fiscal conservatives, was that public financing would loot the treasury to promote politicians' careers. Proponents suggested, however, that public financing would ultimately benefit citizens by freeing government expenditure and regulatory policy from the influence of campaign contributors. Also, they pointed out, the cost of public financing would not be much more than $1 annually for every eligible voter.

A third objection, especially pervasive in the House, was that public financing of congressional campaigns would upset long-standing patterns of incumbency advantage. Most House districts are marked by

[26] "Campaign Spending Bill Delay," *Congressional Quarterly Weekly Report*, 32, no. 34 (August 24, 1974), 2305.

[27] See Berry and Goldman, "Congress and Public Policy," pp. 352–356.

[28] U.S. Congress, House of Representatives, *Conference Report, Federal Election Campaign Act Amendments of 1974*, 93d Cong., 2d Sess., 1974, House Rept. 93–1438.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

electoral one-partyism; and House campaigns are frequently desultory affairs, because the opposition is unable to muster enough resources to challenge intrenched incumbents. Public financing would fuel a well-funded opposition in both primaries and general elections, jeopardizing the almost automatic reelection of incumbents. Senators, by contrast, are more accustomed to running in competitive constituencies. Their concerns tend to focus on the difficulty of raising money for these expensive campaigns and the danger to their independence implicit in heavy financing from special interests.

A fourth line of division also involved incumbency advantages, but it divided Congress along ideological as well as institutional lines. The low intensity of most House campaigns, caused by one-partyism and incumbency resources, requires very little spending. House members from such noncompetitive districts were shocked at proposals that public financing and spending limits should be as high as $90,000. Many insisted that expenditures should not exceed the $40,000 salary of representatives. Here the focus was on the private benefit to representatives of election, not on the public interest in vigorous competition in elections. Implicitly, this position maintained the status quo and handicapped effective opposition.

In the Senate, proponents endorsed both generous public grants and high spending limits to promote effective competition. Opponents divided, however. Some, like Senator James Buckley, took the ideologically conservative position that any limit on spending unconstitutionally invaded political freedom. Others, however, argued that low spending limits were an alternative to public financing as a means for reducing the influence of money in politics.

A similar controversy raged around contribution limits. Senator William Proxmire proposed that contribution limits in S. 372 be reduced from $3000 to $100. So low a limit "would free all of us from reliance on the fat cat, on the big contributor, on those who seek to buy laws that will favor their interests."[29] But Senator Alan Cranston warned that money was needed for vigorous campaigns. He would support a $250 contribution limit, but only if coupled with public financing. Otherwise, "the $100 limit would place an impossible obstacle on most nonincumbents."[30] Again, congressional debate implicated delicate questions of political freedom for individuals, the disproportionate political influence of big contributors, and the impact on incumbents of regulating campaign funds.

[29] U.S., *Congressional Record*, 93d Cong., 1st Sess., 1973, vol. 119, July 26, S14791.
[30] Ibid., July 26, S14795.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Provisions of the Federal Election Campaign Act of 1974

Expenditure Limits

The act, as finally adopted, limits spending by presidential candidates to $20 million in general elections and $10 million in nomination races. No candidate may spend more than twice the senatorial limit in any state. Candidates for senator are limited to the greater of 8 cents times the voting-age population or $100,000 in primaries and 12 cents times the voting-age population or $150,000 in general elections. House candidates are limited to $70,000 in each primary and general election. House candidates in states with only a single representative are governed by senatorial spending limits. Additional expenditures up to 20 percent of the spending limit are allowed for fund raising.

National party committees can spend an additional 2 cents times the voting-age population to support their presidential candidates; national and state party committees can separately spend up to 2 cents per eligible voter to aid their Senate and House candidates, with a minimum allowance of $20,000 and $10,000 respectively for those races. Independent individuals and groups may make expenditures up to $1000 to support candidates. And all spending limits are adjusted in each election to conform to changes in the consumer price index.

Contribution Limits

The 1974 act limits an individual's contributions to any federal office candidate to $1000 in each nomination and election contest and restricts him annually to $25,000 to all federal office candidates. A candidate's contributions to his own campaign cannot exceed in nomination and election contests together $50,000 for president, $35,000 for senator, and $25,000 for representative. Political committee gifts are limited to $5000 to each federal office candidate in each nomination and election contest. Earmarked or indirect contributions are counted against these limits; donations by foreign nationals are prohibited; and contributions (and expenditures) in cash may not exceed $100.

Public Financing

The act initiates public financing for presidential general elections, nominating contests, and nominating conventions. Major party general election candidates are given the option of receiving the full amount of the spending limit ($20 million) in public funds. Major party candidates seeking a presidential nomination may receive matching grants for each individual contribution up to $250, after qualifying by raising

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

$5000 in such contributions in each of twenty states. Matching grants are limited to a total of $5 million—one-half the statutory spending limit of $10 million. Major parties may draw $2 million in public funds for the expenses of their national nominating conventions.

Minor parties are eligible for proportional participation in all public financing formulas. Their grants are calculated as the percentage of major party subsidies that their vote in the prior election was of the average major party vote. New parties and minor parties may qualify for postelection public financing on the same proportional basis if their vote in a current election entitles them to larger grants than would their polling in the last balloting.[31]

The $1 tax check-off is retained, and checked-off dollars are automatically appropriated to the Presidential Election Campaign Fund. All public financing must be drawn from that fund. The act establishes priorities for payments from the fund, with amounts necessary for nominating conventions and general election grants set aside in that order and with nomination matching grants taken from any balance remaining in the fund. All grants are adjusted to conform to changes in the consumer price index.

Full Disclosure

The 1974 act made several changes in the sweeping disclosure provisions of the 1971 act. Reporting dates were changed from the fifteenth and fifth days before an election to ten days before and thirty days after elections as well as quarterly and annually; the new dates were generally regarded as easing the burden on political treasurers without significantly diminishing the availability of campaign financing information. Two other provisions with the same effect repeal the requirement that campaign committees keep a record of the occupation and principal place of business of contributors over $10 (but did not repeal the same requirement for those giving more than $100) and of those to whom expenditures are made.

The act strengthened auditing and disclosure by requiring each candidate to designate a single depository bank and to make all transactions through that depository, except that presidential candidates may designate a depository in each state. Each candidate must also designate a prin-

[31] Major parties are defined as those whose candidate received more than 25 percent of the popular vote in the previous election. Minor parties are defined as those receiving between 5 and 25 percent of the vote, and new parties as those which qualify neither as major nor minor parties. Revenue Act of 1971, Public Law 92–178, 92d Cong., 2d Sess., 1972, Title VIII, sec. 9002(6), (7), and (8).

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

cipal campaign committee, which shall be responsible for all financial transactions on the candidate's behalf. Other committees supporting a candidate must file their financial statements with the principal campaign committee, which compiles all reports and files them together. These provisions are intended to make information more readily available by centralizing all reports for each candidate in a single filing.

Enforcement

The 1974 act creates a Federal Election Commission consisting of the Senate secretary and House clerk, serving ex officio without vote, and of six appointed members. Two are named by the president; and in a sharp departure from the usual Executive prerogative to name agency members, two are appointed by the president pro tem of the Senate and two by the speaker of the House, upon recommendation of the majority and minority leaders in the respective houses. No pair of members may be from the same political party. And in a second break from other appointment procedures, commissioners must be confirmed by a majority vote in both houses, rather than just by the Senate.

The commission is given power to supervise the full disclosure provisions of the law, but the secretary and clerk remain the depository officials for the filings of candidates for the respective houses. The commission is given authority to investigate reported or apparent violations, to give advisory opinions, and to promulgate rules and regulations. It may seek civil remedies to prevent or correct violations of the law. But the Senate effort also to give it an independent power to bring criminal prosecutions failed, and its authority is limited to reporting apparently willful violations to the Justice Department. Also, the commission's rule-making power is hobbled in a way dissimilar from any other federal regulatory agency: its proposed regulations must be submitted to each house, and either may veto them by majority vote within thirty days.

Second Thoughts

In some of its goals, the 1974 act seems a great advance over existing methods of financing campaigns.[32] The low contribution limits and public financing will reduce the special access of monied groups to the electorate and to the officeholders elected with their financial help. Further, in theory public financing provides adequate funds for vigorous competitive campaigning that allows candidates to communicate their stances

[32] The analysis in this section is drawn mainly from Adamany and Agree, *Political Money*, chap. 8.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

to the electorate and voters to know their choices at the polls. The extension of the principle of public financing to primaries as well as general elections acknowledges the importance of nominations, the potential for financing abuses in those contests, and the special impact of money in primaries where voters do not have the party label to guide them. The public financing for new and minor parties at least recognizes the potential that they may become major contenders and honors their historic roles as vehicles for new ideas, voter protest, or charismatic leaders.

In other ways, however, the act falls short of respecting the realities of American politics and campaign financing. Most important is the act's failure to publicly finance congressional campaigns. Presidential candidates funded fully with tax dollars may use their awesome influence to solicit and channel private money for Senate and House races. This already happens in midterm elections, reaching a zenith in Mr. Nixon's White House, where key staffers secretly directed money in 1970 to help the president's friends in Congress and to punish his enemies. The deployment of even greater presidential influence in financing campaigns, in both midterm and presidential elections, will increase the president's clout in Congress and further undermine the already badly eroded separation of powers.

A shift in public confidence is also likely when presidential candidates are "cleanly" funded with tax money and congressional aspirants are still dependent on "tainted" private fund sources. Finally, of course, public financing of presidential elections makes candidates both more responsive and more visible to the public. Congress, meanwhile, remains in a shadowland, where financial undernourishment of challengers makes it less accountable to voters in elections and less visible to citizens.

Basing eligibility for presidential general election grants on past election results will produce distortions and unfairness in American politics. These are aggravated by the requirement that new party candidates must wait until after the votes are counted before receiving public grants, while others receive their grants for use during the campaign. Under these rules, formerly significant parties whose support has decayed may nonetheless claim full grants in later elections; the Whig party after 1852, the Bull Moosers in 1916, and the Wallace American Independents in 1972 come easily to mind as examples. By contrast, newly emerging parties or independent candidates, with strong citizen support in an election, may not receive grants in a timely or useful fashion. Neither the Bull Moosers nor the American Independent party would have received public grants during the campaign when it made its impressive showing.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The act's provision for postelection grants to new parties making a strong showing at the polls allows them, at best, to pay off election debts. But most insurgent parties will not be able to borrow large sums during the campaign, so postelection grants will do them little good in wooing votes. Indeed, the act's limit of $1000 on loans as well as contributions throws up a barrier to such borrowing by new parties.

The matching grant system for nominations seems to address many of these issues by basing public financing on a current rather than a past index of support. But the index is support by contributors, not by voters. And the $250 level for matchable grants appears to promote substantial inequality among citizens. Ironically, each citizen equally can allocate only $1 to the Presidential Election Campaign Fund; but in the distribution of these dollars citizens trigger very unequal grants to candidates, because a $250 contributor directs a like amount to his preferred candidate while a $1 contributor sends only a single public dollar to his favorite. The $250 maximum for contributions counting toward the eligibility threshold creates similar inequalities. A mere 4000 of these donors qualify a candidate for matching grants, but it would take 100,000 one dollar contributors to achieve that result.

The requirement that a candidate raise $5000 in each of twenty states to become eligible for nomination matching grants is apparently intended to discourage favorite sons or regional candidates. This is a doubtful goal, since these contenders have sometimes emerged as national leaders after starting in their home areas. Particularly, it discriminates against governors, whose initial constituencies for the presidency are likely to be local rather than national. In addition, the twenty-state rule ignores the distribution of voters in favor of a peculiar "state equality" theory of presidential politics. The Constitution does not require a candidate to carry, or even to run in, twenty states in order to be elected president. Indeed, the electoral votes of the eleven largest states are sufficient for victory. And, in 1972, fourteen state delegations in the Republican national convention and nine in the Democratic conclave commanded the majority necessary to nominate a presidential candidate.

Nomination financing raises an interparty distributional problem. Is it fair for a party with a heated nomination contest to draw most or all of the matching money? Since all the party's hopefuls are likely to campaign against the opposition party, especially against a sitting opposition party president, the nomination grants have general election implications. Yet during the nomination stage, one party's many contenders will claim vastly more of the available public funding than will the uncontested or weakly contested nominee of the other party.

Finally, the act's limits on expenditures and public grants are questionable. The $10 million ceiling for nomination contests seems reason-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

able; presidential hopefuls have seldom exceeded that amount. But the $20 million general election ceiling and grant appear too low; the McGovern-Shriver campaign spent about $38 million in a canvass that few would describe as lavish. Measured against past spending levels, the senatorial limits appear adequate and the House ceilings are only slightly too low, even in competitive contests.

Any spending limits may be challenged, however, because they cannot take into account the great variations in campaign circumstances from one district to another—the number of voters, the density of the population, the strength of parties and interest groups, the availability of mass media for campaign advertising, the degree of competitiveness, the salience and importance of deeply felt issues, the traditions of the district, and other factors bearing on campaign spending.[33] A more theoretical objection holds that spending is related to vigorous competition, an essential element of electoral democracy.

Moreover, spending limits are almost unenforceable. Do expenditures supporting a candidate, but made by other citizens, count against his spending limit? Such independent expenditures could very quickly diminish a candidate's opportunity to spend money to emphasize the issues he believes are important. Even more troublesome is the allocation toward spending limits of outlays that do not support any candidate. Is spending by independent citizens or groups opposing a candidate a charge against his opponent's expenditure limits? Whose spending limit is affected by similar expenditures if they only mention a candidate, but do not endorse or censure him? And what about expenditures—such as those by the National Rifle Association or "right to life" (antiabortion) groups—which raise the salience of issues on which candidates have well-defined positions, but which do not mention either contender?

Expenditure limits also appear to curtail the freedom of speech and of association.[34] To prevent evasion of spending limits and to control the

[33] The study of variables affecting spending levels is still in a formative stage. See Alexander Heard, *The Costs of Democracy* (Chapel Hill, N. C., 1960), pp. 380–387; David Adamany, *Financing Politics* (Madison, Wis., 1969), pp. 61–107; and Adamany, *Campaign Finance in America* (Scituate, Mass., 1972), pp. 51–78. An important statistical analysis of the significance of several variables is John R. Owens, *Trends in Campaign Spending in California, 1958–1970: Tests of Factors Influencing Costs* (Princeton, N. J., 1973), pp. 70–80.

[34] One major court case has upheld spending limits on candidates to reduce pressures on them to seek money from special interests; but the justices refused to apply the limits to independent expenditures on behalf of the candidate. Most campaigns were subsequently financed by "voluntary committees" operating under the legal fiction that they were not directed by the candidate. *State ex rel. LaFollette* v. *Kohler*, 200 Wis. 518 (1930). A more recent and far more persuasively reasoned case holds, however, that all expenditure limits violate the First Amendment. *Bare* v. *Gorton*, —Wash. 2d—, 526 P. 2d 379 (1974).

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

kinds of borderline expenditures mentioned above, money must be channeled through a central campaign committee under the candidate's control.[35] Otherwise interest groups, parties, and separate campaign committees will simply take over the financing of a candidate's canvass when his own organization has reached the limit. But the central campaign committee imposes a form of censorship on citizens; they can spend money to express their opinions about candidates only if the candidate approves of their activities.

Further, when some citizens have contributed or spent money through the candidate's committee up to the spending ceiling, other citizens are entirely cut off from such activity. Citizen activity is abridged even more

---

Most commentators agree that expenditure limits invade First Amendment guarantees: Ralph K. Winter, Jr., "Money, Politics and the First Amendment," *Campaign Finances: Two Views on the Political and Constitutional Implications* (Washington, D.C., 1971), pp. 60–61; Joel L. Fleishman, "Freedom of Speech and Equality of Political Opportunity: The Constitutionality of the Federal Election Campaign Act of 1971," *North Carolina Law Review*, 51 (January 1973), 434–479; Martin H. Redish, "Campaign Spending Laws and the First Amendment," *New York University Law Review*, 46 (November 1971), 907–924; Irving Ferman, "Congressional Controls on Campaign Financing: An Expansion or Contraction of the First Amendment," *American University Law Review*, 22 (Fall 1972), 1–38.

One commentator has suggested that expenditure ceilings might be upheld to guarantee equality among candidates, but he follows the *Kohler* case, *supra*, by insisting these limits could not bar independent expenditures. Albert J. Rosenthal, *Federal Regulation of Campaign Finance: Some Constitutional Questions* (Princeton, N. J., 1972), pp. 32–39. A United States district court recently followed the reasoning of the *Kohler* case, *supra*, in a dictum sanctioning expenditure limits to permit candidates of modest means to seek office. The judge did not comment on the independent expenditures problem. *Abercrombie* v. *Burns*, 377 F. Supp. 1400 (1974).

The most forceful argument for the constitutionality of spending limits is "Common Cause Memorandum on the Constitutionality of Contribution and Expenditure Limitations" (Washington, D. C., 1973). It suggests that campaign spending is action, not protected speech; or that, if speech, it is in any case subject to regulation to effectuate the "compelling" public interest in equality among candidates and in preventing corruption of government.

[35] Two courts have disapproved central treasurer arrangements. *State* v. *Pierce*, 163 Wis. 615 (1916); *American Civil Liberties Union* v. *Jennings*, 336 F. Supp. 1041 (1973) (three-judge court). See also *Bare* v. *Gorton*, *supra*. Most commentators agree with this view. See, for example, Fleishman, "Freedom of Speech and Equality of Political Opportunity," p. 451; Rosenthal, *Federal Regulation of Campaign Finance*, pp. 34–38.

A more optimistic view about the constitutionality of the central treasurer is Theodore Mitau, "Selected Aspects of Centralized and Decentralized Control over Campaign Finance: A Commentary on S. 636," *University of Chicago Law Review*, 23 (Winter 1956), 630–635. Also, "Common Cause Memorandum on the Constitutionality of Limitations on Independent Expenditures Advocating the Election or Defeat of Candidates for Federal Office" (Washington, D.C., 1974).

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

sharply in presidential general elections where major party candidates are fully publicly financed, preventing all citizens from expressing views by contributing any funds to candidates.

Congress attempted to avoid these issues by allowing independent citizens or committees to spend up to $1000 (the same as the limit on contributions) outside the principal campaign committee. Even this resolution falls short, however. Those willing to contribute money through the candidate's committee can pool their resources for greater effectiveness; others are limited to spending $1000, raising the question of whether their freedom of association is infringed.

Aftermath

On January 2, 1975, Senator James Buckley took advantage of an amendment he had sponsored to the Federal Election Campaign Act, by filing suit in the United States District Court for the District of Columbia challenging the constitutionality of almost every major provision of the law.[36] He was joined by former senator and presidential candidate Eugene McCarthy, Representative William Steiger, millionaire philanthropist and political activist Stewart Mott, the Committee for a Constitutional Presidency, the Conservative party of New York, the New York Civil Liberties Union, the American Conservative Union, and *Human Events*. Among them, the plaintiffs represented candidates, parties, contributors, taxpayers, political committees, citizens, and the press.

They challenged contribution and spending limits on First Amendment grounds; alleged that spending limits discriminated against challengers because of the perquisites available to incumbents; and asserted that the additional spending authorization for national and state parties discriminated against those with no national committees, those running in a single state, and those campaigning as independents. The qualifying requirements for general election public financing were challenged as discriminatory against minor and new parties and independent candidates. The plaintiffs also insisted that the tax check-off supported political causes in violation of the First Amendment, discriminated against candidates and parties which could not meet the qualification requirements, forced individuals to support parties and candidates they did not favor, and denied taxpayers' freedom of association by denying them the opportunity to designate their check-off dollar to parties of their choice.

The plaintiffs also attacked the Federal Election Commission. They

[36] The pleadings are reprinted in U.S., *Congressional Record*, 94th Cong., 1st Sess., vol. 121, January 16, H173–178.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

argued that the method of appointment violated the separation of powers and denied minor parties representation. Further, the commission's composition denied those not affiliated with major parties a hearing before an impartial tribunal during the investigation of violations. The power to make rules was asserted to violate the separation of powers and the due process clause, while the commission's power to disqualify candidates was alleged to infringe the First, Fifth, and Sixth Amendments. The full disclosure provisions were challenged as invasions of the rights of privacy, speech, and association. Even the exclusion of news stories and editorials from the definition of expenditure, but not the definition of contribution, was the basis for constitutional argument—it purportedly restricts the freedoms of speech and press.

If the litigation was founded on alarm at the great sweep of the act, the first steps toward its implementation gave every sign that its real effect might be minimal. The president waited more than two months after the act's effective date on January 1, 1975, before nominating his commissioners. The Senate leadership named close political associates, while both the president and the House leadership nominated former congressmen. By early April no staff was assembled for the commission, and there was no indication of how candidates and parties should begin complying with the act's provisions. Those who had fought for the act —especially Common Cause and leading newspapers—bitterly denounced the method and quality of appointments as an attempt to gut the law.

Moreover, numbers of lawmakers who had voted for the act in Congress had begun to indicate misgivings about it. On March 26 Senator Lee Metcalf petitioned to join the pending litigation by filing an *amicus curiae* brief "in support of the constitutionality of the concept of public financing [but] also in concurrence with certain causes of actions stated in plaintiffs' complaint with respect to constitutional deficiencies in sections of [the act] pertaining to public financing procedures. . . ."[37]

Meanwhile, taxpayers showed that their sentiment was still favorable toward public financing. The Internal Revenue Service reported checkoff participation in mid-February at 26 percent, compared to 15 percent a year before. This level of involvement in a nonelection year was more than twice the contribution rate in high excitement presidential years and almost three times that in congressional election years.

[37] United States Court of Appeals for the District of Columbia Circuit, *James L. Buckley et al., Plaintiffs* v. *Honorable Francis R. Valeo et al., Defendants, Motion for Leave to File Brief as Amicus Curiae and to Participate in Oral Argument on the Merits*, p. 2.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Bipartisanship, Senator Taft, and the Truman Administration

HENRY W. BERGER

Bipartisanship as an active, sustained strategy of foreign policy appeared a few years after World War II, during the crises of American power abroad in the two succeeding decades. It was a calculated attempt to minimize or to avoid altogether the schisms of debate over the *tactics* of foreign policy which could threaten the conduct and conceivably, though perhaps not intentionally, the substance of American diplomacy.[1] Policy makers and politicians appealed to what former

[1] A brief but inadequate survey of pre-World War II attempts at bipartisanship can be found in Cecil V. Crabb, *Bipartisan Foreign Policy: Myth or Reality?* (Evanston, Ill., 1957), pp. 9–43. Until recently, most studies of bipartisanship have been appropriately the domain of political scientists. Other published works which treat the subject are the following: Wilfred E. Binkley, *President and Congress* (New York, 1962); Holbert M. Carroll, *The House of Representatives and Foreign Affairs* (Pittsburgh, 1958); Robert A. Dahl, *Congress and Foreign Policy* (New York, 1950); David N. Farnsworth, *The Senate Committee on Foreign Relations* (Urbana, Ill., 1961); George L. Grassmuck, *Sectional Biases in Congress on Foreign Policy* (Baltimore, 1951); Malcom E. Jewell, *Senatorial Politics and Foreign Policy* (Lexington, Ky., 1962); Donald R. Matthews, *U. S. Senators and Their World* (Chapel Hill, N. C., 1960); James A. Robinson, *Congress and Foreign Policymaking* (Homewood, Ill., 1962); Roland N. Stromberg, *Collective Security and American Foreign Policy: From the League of Nations to NATO* (New York, 1962); and H. Bradford Westerfield, *Foreign Policy and Party Politics: Pearl Harbor to Korea* (New Haven, Conn., 1955). Other sources are cited in subsequent footnotes.

HENRY W. BERGER is associate professor of history at Washington University at St. Louis. He is the author of several essays about Robert Taft and foreign policy and also has written articles concerning American labor's activities abroad.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Secretary of State Dean Acheson called the "nonpartisan oil of government" as a means of reducing the difficulties in the way of maintaining continuity and predictability of action by the United States overseas.[2]

The acrimony of argument concerning American imperial expansion at the turn of the century and over whether the United States should join the League of Nations after World War I were historical reminders of what many Republicans and Democrats wished to avoid as the United States emerged victoriously, powerfully, and uncertainly from the battlefields of World War II. The memories of the League episode were especially important and it was not surprising that initial efforts at bipartisanship should have focused on obtaining the support of both parties for American participation in a postwar international organization.

While the history of the early maneuvers for an American commitment to such a policy leaves unanswered the question of whether the Executive or Congress gave the bipartisan process the greater shove forward, it is clear that the subsequent and overwhelming adoption of the Fulbright-Connally Resolutions by both houses of Congress in 1943 and the appointment by the White House of Senators Arthur Vandenberg (Republican, Michigan) and Tom Connally (Democrat, Texas) as delegates to the United Nations Conference held at San Francisco in April 1945 guaranteed Senate ratification of the United Nations Charter by a vote of eighty-nine to two only weeks before the end of the war.[3]

These events established a precedent for future efforts during the Truman years and catapulted Senator Vandenberg to the key leadership role of Republican party participation in the bipartisan strategy. At the same time, the shift toward bipartisanship received considerable impetus from the desires of the Truman administration to pursue its postwar foreign policy objectives and from the outcome of the 1946 congressional elections in which Republicans captured control of both houses of Congress for the first time since 1930. Because the national government consequently was divided between the two parties, a bipartisan approach in foreign affairs was then regarded as essential to the success of the foreign policy of the Truman administration.[4]

[2] Dean Acheson, *Present at the Creation* (New York, 1969), p. 97. The phrase, "oil of government" was actually used by Woodrow Wilson.

[3] The two nay votes were cast by William Langer of North Dakota and Henrik Shipstead of Minnesota, both Republicans. Ruth B. Russell and Jeannette E. Muther, *A History of the United Nations Charter: The Role of the United States, 1940–1945* (Washington, D. C., 1958) and Robert A. Divine, *Second Chance: The Triumph of Internationalism in America During World War II* (New York, 1967).

[4] C. David Tompkins, *Senator Arthur Vandenberg: The Evolution of a Modern Republican, 1884–1945* (East Lansing, Mich., 1970) and Susan Hartmann, *Truman and the 80th Congress* (Columbia, Mo., 1971). Also suggestive in a broader context is Richard M. Freeland, *The Truman Doctrine and the Origins of McCarthyism* (New York, 1971).

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The Meanings of Bipartisanship

"Unity," "collaboration," "continuity of foreign policy," "elimination of foreign policy from politics," "consultation between the administration and leaders of the opposition party in Congress," and deference to "paramount national interest" are all shades of interpretation which have been given to the term bipartisanship.[5] The concept has served as means and end. During the Truman administration it supposedly involved prior, private consultation between the administration and particular leaders of the opposition party on policy decisions which necessitated some form of congressional action or which the White House wished Congress to endorse after executive action had already occurred. Bipartisanship also meant occasional appointments of opposition party members to official positions involving foreign policy. "The end in view," according to the State Department in 1949, was "to achieve agreement on a sound and publicly supported policy" and to "make it virtually impossible for 'momentous divisions' to occur in our foreign affairs."[6]

Senator Vandenberg, however, denied that bipartisanship meant the surrender of criticism or debate. "It means," he said in October 1948, "that we strive by consultation to lift foreign policy above partisan issue. It means that we attempt to hammer out the greatest possible means of agreement so we can speak to the world, not as 'Republicans' or 'Democrats' but as undivided Americans." Similar definitions were offered at the time by other politicians and commentators as well as by scholars concerned with the subject.[7] The leading historian of Vandenberg's career has provided a more recent and specific description. Bipartisanship

[5] Definitions of bipartisanship are found in the following: Crabb, *Bipartisan Foreign Policy*, pp. 5 and 226–227; Westerfield, *Foreign Policy and Party Politics*, p. 12; Jewell, *Senatorial Politics*, p. 153; Richard C. Snyder and Edgar S. Furniss, Jr., *American Foreign Policy: Formulation, Principles, Programs* (New York, 1954), pp. 497–500: and Joyce Kolko and Gabriel Kolko, *The Limits of Power: The World and United States Foreign Policy, 1945–1954* (New York, 1972), p. 335.

[6] Ernest Gross, Assistant Secretary of State for Congressional Relations, "What Is a Bipartisan Foreign Policy?" *Department of State Bulletin* 21 (October 3, 1949), pp. 504–505. The phrase "momentous divisions" is borrowed from Lord (James) Bryce.

[7] Examples of contemporary explanations of bipartisanship close to Vandenberg's expressions on the subject include the following: Representative Chet Holifield (Democrat, California), *Congressional Record*, 80th Congress, 2d Session, April 30, 1948, pp. 5163–5165; Senator Wayne Morse (Republican, Oregon), "The Rise or Sunset of Peace: Honest Bipartisan Foreign Policy Essential," *Vital Speeches* 16 (May 1, 1950), 432–436; John Foster Dulles, *War or Peace* (New York, 1950), pp. 120–137; Ernest K. Lindley, "Republican Dividing Line," *Newsweek* 29 (March 3, 1947), 26; James Reston, "Stability in Our Foreign Policy," *Foreign Affairs Quarterly* 27 (October 1948), 43; Benjamin H. Williams, "Bipartisanship in American Foreign Policy," *The Annals of the American Academy of Political and Social Science* 259 (September

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

"was characterized by a close and mutually responsible collaboration between the Senate and the administration; it represented an honest attempt to eliminate partisanship by compromising differences *before* a policy became the subject of political debate."[8]

In fact, bipartisanship during the Truman period did not function in many foreign policy situations nor always as its advocates portrayed the process. Moreover, the strategy served other purposes as well, including partisan political objectives. Contemporary defenders and opponents of bipartisanship exploited it for political advantage even while they might try to elevate the concept to a higher plateau of virtue. Though he restated his strong faith in it on numerous occasions, Vandenberg conceded in 1949 that bipartisanship "did not apply to everything—for example, not to Palestine or China." Two years earlier the Michigan senator acknowledged that the administration's Latin American policies and the Truman Doctrine had been formulated without bipartisan cooperation. Others pointed to additional examples of the exclusion of Republicans or Congress as a whole from key foreign policy decisions.[9]

The Truman Administration

It is not at all certain that the Truman administration and Republican adherents of bipartisanship shared common assumptions about how it was supposed to work. While Vandenberg denied that bipartisanship was a "carbon-copy process" and insisted that "there are outstanding Republican trade-marks in every act that Congress passed," President Harry Truman did not see it as a practice in which equals were engaged. "Bipartisanship in foreign policy," Truman observed, "means simply that the President can repose confidence in the members of the other party and that in turn the leaders of that party have confidence in the President's

1948), 136–143; and William G. Carleton, "Foreign Relations," *The Antioch Review* 8 (December 1948), 400–404.

Two good critical overviews of the subject at the time are Hamilton Fish Armstrong, "Foreign Policy and Party Politics," *Atlantic Monthly* 179 (April 1947), 56–63, and Blair Bolles, "Bipartisanship and American Foreign Policy," *Foreign Policy Reports* 24 (January 1, 1949), 190–199.

[8] Italics mine. Tompkins, *Vandenberg*, p. 198. The 1948 Vandenberg quote is from Arthur H. Vandenberg, Jr., *The Private Papers of Senator Vandenberg* (Boston, 1952), p. 451.

[9] Vandenberg, *Private Papers*, pp. 550–551 and 351. George H. E. Smith, "Bipartisan Foreign Policy in Partisan Politics," *American Perspective* IV (Spring 1950), 157–169. Smith was a former staff director of the Republican Senate Policy Committee of which Senator Robert Taft was chairman. Smith had also been a member of the Yale University faculty and had collaborated with Charles A. Beard in the writing of *The Idea of National Interest* and *The Open Door at Home*.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

conduct of foreign affairs." Truman went on to elaborate his views of just what this meant. The Executive branch, with its monopoly of control over the flow of information from abroad, would initiate the consultation process, would define the issues and alternative courses of action, and would seek congressional endorsement for its decisions rather than to promote debate about them or to entertain proposals for different policies. "There were occasions when Senator Vandenberg disagreed with my policies," Truman noted, "but he never attempted to sabotage them."[10]

Reduced to practical terms, then, bipartisanship for Truman meant, at the very least, acquiescence by the other party in the administration line and hopefully public agreement and active support of foreign policy objectives and tactics determined in advance by the White House. The administration sought to guarantee these results by choosing as collaborators Republicans whose previous positions had demonstrated adherence to its ideas. Men such as Vandenberg, Warren Austin of Vermont, and John Foster Dulles were selected, not Republicans like Robert Taft of Ohio, Kenneth Wherry of Nebraska, or Walter Judd of Minnesota. As one Republican critic observed, bipartisanship meant "Republicans of *like* mind sitting down together."[11]

At the same time, supporters of bipartisanship, particularly administration Democrats, increasingly identified it with patriotism and exclusive national interest rather than just as a strategy for the execution of the nation's foreign policies. Criticism of bipartisanship was labeled unpatriotic and denounced as dangerous. Critics and opponents, it was said, were weakening America's resolve at home and abroad and were unconsciously serving the interests of foreign foes.[12] In part, this political use of bipartisanship resulted from the desire of the Truman administration to isolate and defeat the challenge to its power from the presidential candidacy of Henry A. Wallace in 1948. Wallace and his

[10] Vandenberg, *Private Papers*, p. 550, and Harry S. Truman, *Memoirs*, Vol. II (New York, 1956), pp. 487–488. Roger Hilsman analyzed the tendency of the Executive branch to monopolize the machinery of foreign policy. "It is the Executive that controls the flow of information from overseas. There need not be any conscious intent to suppress one kind of information and emphasize another to accomplish the same result as conscious suppression and emphasis. . . . It is the Executive that sets up the framework in which policies are discussed, that in a sense defines the problems for our foreign policy and the alternatives with which to meet them." Roger Hilsman, "Congressional Executive Relations and the Foreign Policy Consensus," *American Political Science Review* 52 (September 1958), 729.

[11] Smith, "Bipartisan Foreign Policy," p. 160.

[12] For example, J. Howard McGrath, Democratic National Committee chairman, June 1948, cited in Robert A. Divine, *Foreign Policy and U.S. Presidential Elections, 1940–1948* (New York, 1974), p. 211.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

supporters, mainly of the Left, advocated among other things a substantial change in the content and tactics of American foreign policy, including a softer policy toward the Soviet Union. Wallace also launched a fierce attack on bipartisanship, calling it a gag on meaningful debate and alternatives in foreign policy. He charged both parties were "war parties" and were mutually responsible for continuing the cold war. The Progressive party nominee declared bipartisanship in effect institutionalized the administration's foreign policy and was an agreement "which would doom the nation and the world."[13]

Following the broad guidelines of the Clark Clifford memorandum on presidential campaign strategy, dated November 19, 1947, President Truman and liberal Democrats, including important labor leaders, set out to "identify [Wallace] and isolate him in the public mind with the Communists." Defending bipartisanship as an "American foreign policy," opposed by the leaders of the Soviet Union, the Democrats "pinned Red labels" on Wallace and his supporters. "Through every avenue," one key official of the Democratic party wrote, "we were pointing out that Wallace and his third party were following the Kremlin line slavishly."[14] In contrast, as Truman himself claimed over and over again, the Democrats were portrayed as defending America in the world and working for peace. "We will get peace in the world," declared the president, "if the people of the United States back up their bipartisan foreign policy." Arguing that "the fate of mankind depends on the foreign policy of the United States," the president ignored the pleas by Wallace and his supporters for a change in American diplomacy. Instead, the president declined to discuss the issues of foreign policy and skillfully substituted bipartisanship for the substance of America's objectives and goals abroad. "We are now the world's leader," Truman announced, "and we must

[13] Henry A. Wallace, "Farewell and Hail," *New Republic* CXIX (July 19, 1948), 18, and Wallace, "My Commitments: Presidential Nominating Speech to Progressive Convention at Philadelphia, July 24, 1948," in *Vital Speeches* 14 (August 1, 1948), 620–623. On Wallace: Karl M. Schmidt, *Henry A. Wallace: Quixotic Crusade 1948* (Syracuse, N. Y., 1960); Norman D. Markowitz, *The Rise and Fall of the People's Century: Henry A. Wallace and American Liberalism, 1941–1948* (Riverside, N. J., 1973); Curtis MacDougall, *Gideon's Army*, 3 vols. (New York, 1965); and Alonzo L. Hamby, "Henry Wallace, the Liberals, and Soviet-American Relations," *Review of Politics* 30 (April 1968), 153–169.

[14] Clark Clifford to Harry Truman, November 19, 1947, *Clark Clifford Papers*, Box 21, Harry Truman Library, Independence, Mo., quoted and cited in Richard S. Kirkendall, "The Election of 1948," in Arthur Schlesinger and Fred Israel (eds.), *History of American Presidential Elections*, vol. IV (New York, 1971), pp. 3108–3109. See also Jack Redding, *Inside the Democratic Party* (Indianapolis, Ind., 1958), pp. 115 and 143.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

have a foreign policy that is continuing. That is the reason it is necessary for our political fights to stop at the water's edge."[15]

The Wallace campaign was not, however, the long-range target of the administration's bipartisanship politics. For one thing the Wallace effort had largely fizzled by July 1948. It was thus of very short duration as a threat to Truman's reelection.[16] Second, very few Wallace supporters held seats in Congress. Finally, the administration's efforts to portray Wallace as a captive of the Communists were very successful. Actions by the Communists in the United States and in the Progressive party legitimated this publicity campaign by the Democrats, and increased tensions between the Soviet Union and the United States weakened Wallace's appeal for a Soviet-American detente.[17]

Republican Critics

Republican party critics of the administration's foreign policy were a much more powerful and permanent element in Congress, in the Republican party, and in the nation. Throughout the Truman years these Republican opponents were subjected to severe rhetorical attacks by the administration—attacks which included an adroit and overtly political use of bipartisanship. Such rebukes increased in volume and extremity during the 1948 presidential election, which was to be expected, but also existed rather consistently throughout the period. The effort included a conscious attempt to stamp the isolationist label on dissident Republicans in a way which ignored the substance of a genuine foreign policy alternative seeking limits on American commitments abroad. Isolationism thus was reduced from a legitimate position about which even its supporters, including Republicans disagreed, to a political device used by administration Democrats to discredit their opponents.

Senator Connally defined bipartisanship as support for the administration's foreign policy, "the opposite of which was isolationism." Connally believed Republicans "are patriotic—most of them" but that certain Republicans wanted to obstruct "a unified, American foreign policy in the

[15] Statements from Truman are drawn from speeches by the president on June 8 and 16 and October 29, 1948, all in *Public Papers of the Presidents, Harry S. Truman, 1948* (Washington, D. C., 1964), pp. 304, 363, and 929.

[16] Only in New York, Michigan, and Maryland did the Wallace vote cause Dewey to defeat Truman, and Wallace undoubtedly cut into the normally heavy Jewish and Negro Democratic vote. Redding, *Inside the Democratic Party*, pp. 260–262, and Divine, *Foreign Policy and Presidential Elections*, p. 272.

[17] Divine, *Foreign Policy and Presidential Elections*, p. 201, and the Wallace literature cited in note 12. Also Irwin Ross, *The Loneliest Campaign* (New York, 1968).

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

interests of the people of the United States."[18] President Truman concurred and also rejected the bipartisanship procedure which some of his Republican opponents demanded. While praising "certain Republicans in recent years" for "real contributions to our foreign policy"—Senator Vandenberg in the Senate and Robert A. Lovett in the State Department were the two most important—Truman nevertheless charged "Senator Wherry and a few others I could name" with having "a very different attitude toward bipartisanship. . . . A bipartisanship approach . . . seemed to them to mean that the President took no move whatsoever that was not first cleared with them. In turn, they would be under no responsibility whatsoever to support the President."[19]

Wherry and others might take exception to this version of their own views but the statement does suggest that most of the controversy was about the means by which foreign policy was formulated and executed rather than the assumptions or broad objectives involved. It was also true, as Truman liked to observe, that Republican critics often used foreign policy issues, including bipartisanship, to advance partisan causes and were thus just as responsible for exploiting the political advantages of the bipartisan concept by attacking it as were Democrats who defended the policy.[20] But Democrats, and Truman especially, went beyond a mere political defense of bipartisanship. They sought to dismiss their Republican critics as purely obstructionists, isolationists, reactionaries, and, during the 1948 campaign at any rate, even unconscious allies of the Communists.

The president used the connection between his Republican opponents and the Communists as the ultimate means to discredit his GOP adversaries and to undercut charges that *he* was "soft on Communism." The Communists, Truman declared, were supporting a third party in 1948 in order to defeat him and elect a Republican President. "The Communists want a Republican Administration, because they believe its reactionary policies will lead to confusion and strife upon which Communism thrives," the president charged. "The Communists want us to get out of Europe and Asia. They want us to stop helping European countries and China. They want us to withdraw and leave the field entirely to them. They know," the President confidently proclaimed, "they can never get what they want so long as the Democratic party remains in control of this Government. But," he concluded, "the Communists have real reason to hope that Republican isolationism will exert its pressure within the Re-

[18] Tom Connally, *My Name Is Tom Connally* (New York, 1954), pp. 350–357 and *The New York Times*, November 28, 1950.

[19] Truman, *Memoirs*, vol. II, p. 488.

[20] Ibid., pp. 488–489.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

publican party, and, in a period of time, they can take over nation after nation." It was clear from what Truman was saying that only the re-election of his administration could avert such a catastrophe.[21]

Campaign rhetoric though it was, the tactic smacked of McCarthyism before McCarthy appeared on the scene, and Republicans called "foul." Combined with Truman's characterization of the Republican controlled Eightieth Congress as "the worst in history," which ignored foreign policy legislation, the president's attack had virtually scuttled bipartisanship cooperation for the duration of the campaign. Vandenberg was shocked and delivered a stinging rebuttal in a nationwide address during which he denied that criticism of the administration's foreign policy represented isolationism, and defended the Republican party's contribution to the conduct of American foreign policy during the previous two years. Vandenberg's speech made it clear that he regarded the bipartisan wing in control of the Republican party and that he expected it to remain in control.[22]

Truman was evidently pleased to hear this and privately assured Vandenberg of his support. Vandenberg reported that Truman "thought it was more important to retain the 'bipartisan foreign policy' than who was elected President." The Michigan senator missed the point of Truman's statement, however, in noting that this was a "strange reaction to a campaign speech." The fact is, as Robert A. Divine has observed, "the election of 1948 marked the institutionalization of the Cold War . . . [and] the two major parties imposed a Cold War consensus which was destined to prevail for nearly two decades. . . . Wall Street bankers and corporation lawyers such as Robert Lovett, James Forrestal, Averell Harriman, and John Foster Dulles continued to manage the bipartisan policy."[23]

Senator Taft Attacks Bipartisanship

Robert A. Taft was one who did not miss the point either during political campaigns or in between times. A sharp, if sometimes inconsistent, critic of Truman and bipartisanship, the conservative Republican senator from Ohio had his own ideas about the strategy and tactics of American foreign policy. No isolationist, Taft was a staunch anticommunist and a

[21] Truman on September 28 and October 29, 1948 in *Public Papers, 1948*, pp. 215 and 929.

[22] *The New York Times*, October 5, 1948, and also Arthur Krock's comment in the same issue.

[23] Vandenberg, *Private Papers*, pp. 450–452, and Divine, *Foreign Policy and Presidential Elections*, p. 276.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

champion of capitalism and political liberty in America. He did object, nonetheless, to the way the United States conducted its foreign affairs, especially after World War II. He strenuously objected to national crusades around the globe, and he was *very* concerned about the overextension of American military and economic power abroad, which he believed would lead to a weakened economy and the destruction of domestic freedoms at home and to imperialism and war overseas.[24]

Because of these fears and objections, Taft refused to adjourn politics at the water's edge. He understood that foreign policy and domestic issues are closely related and that one usually affects the other. Long before he clashed with the Truman administration over its policies, he had criticized bipartisanship and would do so even after the election of a Republican president in 1952. Taft agreed that foreign policy was not a partisan issue in the sense that Democrats supported one kind of foreign policy and Republicans another. "There is," he pointed out in 1939, "just as much difference on the Republican side today, as on the Democratic side." But it was important to challenge the president's handling of foreign policy if a citizen felt it was wrong or would lead to war, and to try to change that policy. "The essence of democratic government is that men shall be free to express their opinions on any subject, certainly on a subject as vital as foreign relations."[25]

Closely related to his belief in foreign policy debate was Taft's distrust of Executive power. Taft's chief biographer, James Patterson, has

[24] An extensive review of Taft's foreign policy has been published by this author in two essays: Henry W. Berger, "A Conservative Critique of Containment: Senator Taft on the Early Cold War Program," in David Horowitz (ed.), *Containment and Revolution* (Boston, 1967), pp. 125–139, and Berger, "Senator Robert A. Taft Dissents from Military Escalation," in Thomas G. Paterson (ed.), *Cold War Critics* (Chicago, 1971), pp. 167–204. See also James T. Patterson's fine, full-length biography, *Mr. Republican* (Boston, 1972); Russell Kirk and James McClellan, *The Political Principles of Robert A. Taft* (New York, 1967); and Taft's own statement in book form, *A Foreign Policy for Americans* (New York, 1951).

Truman in his *Memoirs* was actually quite fair to Taft in retrospect: "I always found Senator Taft to be a highly ethical, straight-forward, and honorable man. I held him in the highest respect. He was a man of his word. . . . From my point of view, of course, he was a violent partisan, and I disagreed with him strongly on what the role of government was in relation to the people. Nevertheless, he was an important member of the Senate who represented and spoke for his side vigorously and ably." Truman, *Memoirs*, vol. I, p. 72.

[25] T. V. Smith and Robert A. Taft, "Foreign Relations—Congress or the President?" *Foundations of Democracy* (New York, 1939), vol. 10, p. 5. Two studies of Republican foreign policy in the World War II period are Donald R. McCoy, "Republican Opposition during Wartime, 1941–1945," *Mid-America* 49 (July 1967), 174–189, and Walter Poole, "The Quest for a Republican Foreign Policy, 1941–1951," Ph.D. diss., University of Pennsylvania, 1968.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

correctly noted that this objection "of course served partisan purposes perfectly. But," Patterson adds, "it was nonetheless fundamental to his thinking." Taft's opposition to the extension of Executive power formed the basis of his arguments against many domestic programs proposed by the White House and was a central feature of his arguments against such programs as Lend-Lease during the Roosevelt administration and the North Atlantic Treaty in the Truman years.[26]

Taft's views on bipartisanship were thus shaped by his particular views of foreign policy which, in the Truman years, differed considerably from the official version and by his strong conviction that control of foreign policy must be shared by the Congress and the general public. Otherwise, he insisted, liberty at home would be endangered. Bipartisanship, he was convinced, was a strategy to silence administration critics and to ensure unanimity in foreign affairs without serious debate. At the same time, he declared, bipartisanship increasingly centralized the power and decision-making of foreign policy in the hands of the Executive branch.

Taft expressed these objections on numerous occasions, including the years of the Truman administration. Invariably his attacks on bipartisanship coincided with his dissent from the administration's position on a particular issue and always included the charge that despite administration claims, there had really been no bipartisan consultation. When Truman advisers urged approval of the 1946 loan to Britain and pulled out all the stops, including anticommunism, Taft refused to oblige. The loan was too expensive, he said, and was another attempt to commit America and the world to the administration's trade and monetary policies. "We have created the impression that we are desirous of forcing American control over the entire world. . . . This has come about," he argued, "from an itching desire on the part of the Administration to tell the rest of the world how it shall run its affairs."[27]

Taft went further and denounced the way the loan proposal had been originated. Lecturing State Department representatives at the Senate hearings on the bill, the senator read the riot act to the witnesses: "No man in Congress was consulted as to possible alternatives or as to what might be approved, neither any Republican or any Democrat. . . . Now you come around and tell us that we must either take it or leave it: it is a yes or no proposition, there is no alternative."[28]

Taft had voiced similar criticisms of the administration-sponsored measures for American membership in the International Monetary Fund

[26] Patterson, *Mr. Republican*, p. 197.

[27] Taft, "The British Loan," *Vital Speeches* XII (June 1, 1946), 501–502.

[28] U. S. Senate, Banking and Currency Committee, *Hearings on Anglo-American Financial Agreement*, 79th Cong., 2d Sess. (Washington, D. C., 1946), p. 335.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

and the International Bank for Reconstruction and Development. But he was unable to block any of these programs. Nor was he able to propose suitable alternatives. He complained that the administration's failure to consult with him or other leading Republicans often left him no course of action except either to oppose a policy or to go along with it as a *fait accompli* in the absence of adequate information for any different approach.

Taft made such an argument in the case of the Truman Doctrine of 1947. While he initially objected to the proposed Greek-Turkish aid request as potentially imperialistic and possibly provoking the Soviet Union into war with the United States, he ultimately supported the program. One of the reasons he did this was because he believed President Truman had virtually committed the country to action before Congress had even considered the issue. "I intend to vote for the Greek and Turkish loans," he affirmed on April 10, 1947, "for the reason that the President's announcements have committed the United States to this policy in the eyes of the world, and to repudiate it now would destroy his prestige in the negotiations with the Russian Government on the success of which ultimate peace depends." Later on he cited the Greek-Turkish programs as an illustration of how Republicans "were hardly called in until policy had been formulated and was ready to be announced." The Republicans, he said, "were merely asked to go along."[29]

Others have offered different or at least additional reasons for Taft's weak opposition or acquiescence in foreign policy matters (the Marshall Plan was another example) about which he had reservations and which he might have been expected to oppose. It is claimed that he simply lacked interest and experience in foreign affairs. Taft himself had acknowledged in 1945 that he "was not an expert on foreign relations" and it is certainly true that after World War II he was very much absorbed with domestic issues, such as the Taft-Hartley Law, public housing, education, and wage-price controls. But Taft had been interested in international questions since boyhood, had been in Europe in 1918 with Herbert Hoover and the American Relief Administration, had been an active supporter of the League of Nations (with reservations), and had been involved in the major debates concerning foreign policy since entering the Senate in 1939. Moreover, as a member of the Senate Committee on Banking and Currency, Taft had been concerned with a number of questions relating to foreign policy. It is, of course, true that Taft was forced to pay more attention to the multiplying foreign commitments of the United States after the war which he felt were interfering with important domestic concerns and indeed which he viewed as increasingly unfortunate

[29] *The New York Times*, March 13, 16, April 11, and August 1, 1947.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

for American goals of prosperity and freedom at home. As a result of these events and his desire for the presidency, he felt compelled to react. "I am charged with moving in on foreign policy," the exasperated senator told the U.S. Chamber of Commerce in April 1951; "the truth is that foreign policy has moved in on me."[30]

The other explanation which has been offered for Taft's apparently contradictory behavior, at least until 1949, was his relationship with Arthur Vandenberg. Two factors were important. The first was Taft's great belief in strong political parties and his desire to re-create a viable Republican party to advance not only his own political ambitions but also the ideas he cherished. When the Republicans won control of Congress in 1946 Taft saw an opportunity to build on this long-sought victory. Vandenberg was already a power in the party and in national foreign affairs. Taft did not wish to push his disagreements about bipartisanship so far as to provoke major conflict now that the Republicans were in control of Congress. The second consideration was the 1948 Republican presidential nomination. Taft sought the honor and did not know whether Vandenberg would also be a contender. Even so, the Michigan senator was sure to be an influential force at the convention.[31]

The Taft-Vandenberg jockeying for position did have its impact on Taft's posture in foreign affairs along with other previously mentioned elements. But neither Taft nor Vandenberg headed the GOP ticket in 1948 and the Republicans lost the presidency and Congress in the election. Both men became increasingly critical of the administration's foreign policy thereafter, and Vandenberg's illness in 1950 sharply curtailed his activity in the Senate. The Michigan Republican died in early 1951 and in the meantime Taft had become even more outspoken on foreign policy. Never very comfortable in the arrangement with Vandenberg in which he had frequently muted his views, Taft rebelled against the North Atlantic Treaty in 1949, led the debate against ratification, and then went on to oppose in vain the administration request for mili-

[30] The Taft quote of 1945 is from Robert Taft to Herbert Hoover, January 1945, *Robert Taft Papers*, Library of Congress, Washington, D. C., in Patterson, *Mr. Republican*, p. 372. The 1951 statement is from a speech to the United States Chamber of Commerce, April 30, 1951, quoted in Eric Goldman, *The Crucial Decade and After: America, 1945–1960* (New York, 1961), p. 28.

Scholars who have cited Taft's alleged lack of interest and experience in foreign affairs are Patterson, *Mr. Republican*, pp. 371–372 and 474–475; Hartmann, *Truman and the 80th Congress*, pp. 13–14; and Jewell, *Senatorial Politics*, pp. 68–69.

On Taft's earlier career and attention to foreign affairs, see Berger, "Taft Dissents from Military Escalation," pp. 169–173, and Patterson, *Mr. Republican*, pp. 69–81, 195–204, 232–250, and 285–298.

[31] See Westerfield, *Foreign Policy and Party Politics*, pp. 119–271; Hartmann, *Truman and the 80th Congress*, pp. 13–14; and Patterson, *Mr. Republican*, pp. 340–341.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tary assistance to implement the pact. "The program presented by the President and the bill to carry it out," he declared, "demands that Congress substantially abdicate all functions relating to foreign policy, and authorize the State and Defense Departments to make alliances throughout the world and involve us in any and all wars, civil or internal, going on anywhere in the world. Arms aid may be given to any nation or any government within a nation elected in the arbitrary discretion of the President, whether it be in Europe, Asia, or America."[32]

Early in 1950 Taft unilaterally dissolved what he regarded as the sham of bipartisanship. "There isn't any bipartisan foreign policy and there has not been any for the last year." The Republicans, he brusquely informed a radio audience, "are not consulted any more and they have not been consulted since Mr. Acheson became Secretary of State. Nobody can imagine anything that is called a bipartisan foreign policy. There isn't any such thing."[33]

Taft's announcement was a clearly partisan use of the bipartisan issue since he conveniently forgot that he had made practically the same charge about Truman's foreign policy at various times previous to 1949, the date since when he claimed there no longer existed any consultation with Republicans. Moreover what he really meant was that there was no administration consultation with congressional Republicans, in particular himself, since the administration did continue to involve their favorite Republicans, including John Foster Dulles, in a number of decisions.

Taft was aware of this as in the case of Dulles and John Sherman Cooper, who were appointed in 1950 as Republican consultants to Secretary of State Dean Acheson. Dulles was the key American architect of the Japanese peace treaty. Taft held no illusions about these developments and hedged his support. Writing Dulles in April 1950, Taft declared: "While I do not regard the appointments made as in any sense the

[32] *The New York Times*, July 26, 1949, and Berger, "Taft Dissents from Military Escalation," pp. 182–186. There is evidence that even Vandenberg was having second thoughts about NATO. A key figure in making the organization a reality, the Michigan senator was nevertheless upset by the administration sponsored mutual defense assistance program because of its cost and because it was "almost unbelievable in its grant of unlimited power to the Chief Executive." Vandenberg, *Private Papers*, pp. 502–504 and 508. See also the commentary by Richard F. Haynes, *The Awesome Power: Harry S. Truman as Commander-in-Chief* (Baton Rouge, La., 1973), pp. 149–150.

An analysis of foreign policy votes in the 80th Congress shows that Vandenberg and Taft actually voted the same way more often than not and that even Taft voted 67 percent with the majority on seventeen issues concerned with international issues. *Congressional Quarterly* (Washington, D. C. 1948), vol. IV, pp. 38–39 and 202. Henry W. Berger, "Senator Robert A. Taft and American Foreign Policy," M.S. University of Wisconsin, 1961, pp. 142–144.

[33] *The New York Times*, January 9, 1950.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

adoption of a bipartisan foreign policy, I do feel that they will give the State Department a direct contact with the Republicans in Congress from which a reasonable amount of bipartisan cooperation can be secured." According to Bernard C. Cohen's account, Dulles "succeeded in winning from . . . Taft only the minimum amount of cooperation and support necessary for his purposes." By the time the treaty was drafted and submitted for ratification, it was nearly mid-1952 and Taft, absorbed in the politics of the Republican National Convention, was absent from the debate and the vote.[34]

In retrospect, however, Senator Taft's opposition to bipartisanship went beyond politics. He deeply believed in vigorous debate about foreign affairs and viewed with utter repugnance the notion of a rubber-stamp Congress or public. He feared and denied the concept of executive encroachment in foreign policy and he insisted on real consultation with Congress in decision making. Taft reiterated this point in 1953 when, as a new member of the Senate Foreign Relations Committee, he questioned John Foster Dulles closely on the subject at the hearings on the nomination of Dulles to be secretary of state in the Eisenhower administration:

> *Senator Taft:* Mr. Dulles, I understood that you stated, and I want to reaffirm it now that in conducting a foreign policy, you believe in consulting the members of Congress as much as possible; you believe in securing the advice as well as the consent of as many Senators as may be available, and to that extent, both Republicans and Democratic leaders in the two houses?
>
> *Mr. Dulles:* Absolutely, Senator Taft.[35]

Conclusion

Because Taft was a critic of bipartisanship and of much of the Truman foreign policy he had been negative more often than positive in his views in an effort to block those measures which he believed would destroy the very system at home he wanted to preserve. There are scholars who have argued that Taft's substantive views about foreign policy were short-sighted, contradictory, ill-advised, or even reckless.[36] Others, such

[34] Bernard Cohen, *The Political Process and Foreign Policy: The Making of the Japanese Peace Settlement* (Princeton, N.J., 1957), pp. 241–242.

[35] U. S. Senate, Foreign Relations Committee, *Hearing on the Nomination of John Foster Dulles, Secretary of State-Designate*, 83d Cong., 1st Sess. (Washington, D. C., 1953), p. 18.

[36] Examples of critical, scholarly evaluations of Taft's foreign policy can be found in the following works: John P. Armstrong, "The Enigma of Senator Taft and American Foreign Policy," *The Review of Politics* 17 (April 1955), 206–231; Norman A. Graebner, *The New Isolationism* (New York, 1956), pp. 23–27 and 74–76; John Spanier, *American Foreign Policy Since World War II* (New York, 1973), p. 78; and Kolko and Kolko, *Limits of Power*, pp. 334–335, 674–676, and 694.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

as the present writer, point to what they consider to be perceptive aspects of Taft's critique:

> his warnings about the overcommitment of American military and economic power abroad (including even in Indochina in January 1952); his understanding of the imperialist implications of American economic investment in the underdeveloped world; his resistance to the expansion of executive power in foreign relations; his skepticism of an aggressive Soviet military threat after World War II; his refusal to abandon criticism of foreign policy in the name of officially proclaimed national interest when he thought the policy injured the national interest as he understood it; and above all else, his genuine concern about the dangers and effects of war.[37]

Whatever the evaluation, it is not accurate or fair to say that Taft was an isolationist or a right-wing extremist or to suggest that dissenters from current American foreign policy are trying to identify themselves with Taft's foreign policy. In his review of Barton Bernstein's essay on the election of 1952 in the Schlesinger-Israel collection, *American Presidential Elections*, Alonzo Hamby is critical of Bernstein for his treatment of Taft. "Bernstein's interpretation of Taft shows the manner in which contemporary neo-isolationism is leading toward a reevaluation of post-World War II neo-isolationism," Hamby has written. "The trend is in my mind an unfortunate one which threatens to obscure the rationality and common sense of the contemporary variety by identifying it with the right wing extremism of the 1940s."[38]

Apart from the fact that it is wide of the mark to characterize today's dissenters as "neo-isolationist," it is highly questionable to infer that Taft's critique was irrational or a right-wing extremist view. Nor do these scholars equate Taft with Fulbright or other current left-liberal critics. Indeed, the present author suggests that it was those who followed Taft after his death in 1953 who became "more frustrated, doctrinaire, and extreme in their views." In other words, many left behind the more rational, conservative aspects of Taft's foreign policy outlook and moved to a more militant, anticommunist posture. Taft himself showed signs at the end of his career of veering in this direction, especially in his Far Eastern policies. The line after his death, however, led much

[37] Berger, "Taft Dissents from Military Escalation," pp. 194–195. On Taft and Indochina, see *The New York Times*, January 20, 1952, and Patterson, *Mr. Republican*, p. 529. Taft equivocated on his opposition to United States intervention in Indochina at this time, however, saying America should continue to give financial aid to the French fighting there. *The New York Times*, January 20, 1952.

[38] Alonzo Hamby, "The Clash of Perspectives and the Need for New Syntheses," in Richard S. Kirkendall (ed.), *The Truman Period as a Research Field: A Reappraisal, 1972* (Columbia, Mo., 1974), p. 128, n. 30.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

more directly, if regrettably for Hamby and others, to Barry Goldwater than to J. W. Fulbright or George McGovern.[39]

None of this should obscure the important and quite rational content of Taft's foreign policy while he lived and, in the case of this article, his views concerning bipartisanship. In this sense there is, to be sure, an ideological connection between the outlook of many of the Vietnam war opponents and the legacy of the Ohio senator. No one can say for certain whether Senator Taft would have opposed America's military intervention in Vietnam in the 1960s, but Taft and the Vietnam protestors did share the conviction that the limitation of dissent in the name of unanimity in foreign relations can lead to the creation of tyranny abroad and the destruction of liberty at home. This view deserves our serious consideration.

[39] Berger, "Taft Dissents from Military Escalation," p. 195. For Bernstein's interpretation, see his "Election of 1952," in Schlesinger and Israel, *History of American Presidential Elections*, vol. IV, pp. 3220–3224.

To argue that many general criticisms of foreign policy by Taft were identical with those offered by opponents of the Vietnam war may be true but only relevant in the sense that it demonstrates (1) such criticisms predated the Vietnam crisis and (2) one does not have to be a Democrat, a liberal, or a radical to oppose the existing administration's foreign policy or indeed to express similar views. The logic, rationale, or motive may, of course, differ from critic to critic as even the contemporary case of Taft and Henry A. Wallace easily illustrates.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

THE ACADEMY OF POLITICAL SCIENCE
Gift Membership

Enroll a friend in the Academy of Political Science, and they will receive:

- A year's subscription to the *Political Science Quarterly*, beginning with the next issue—plus this issue free.
- Two additional books a year
- Invitations to all conferences
- A membership card

The recipient will be notified of your generosity.
The membership fee is $14 (student, $10).

Enclosed is my check payable to the Academy of Political Science. Please send a gift membership to:

Name (please print)

Address

City State Zip Code

Names and addresses for additional gift member-ships are listed on an attached sheet.

My name

Address

City State Zip Code

2852 BROADWAY / NEW YORK, NEW YORK 10025

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Hanoi's Three Decisions and the Escalation of the Vietnam War

KING C. CHEN

As the Viet Cong and North Vietnamese in 1975 launched their heavy assaults in South Vietnam, the world's attention was attracted once again to the temporarily forgotten but unsettled Vietnam problem. In historical perspective, the renewed fighting in 1974–1975 had a crucial connection with the past. That fighting was simply a continuation of the long-term Vietnam war that had been briefly de-escalated after the 1973 Paris cease-fire accords.

Many books have been published on the roots of the United States role in the expansion of the Vietnam war, but not so much has been written on the origins of the North Vietnamese escalation.[1] Insofar as Hanoi is

[1] Among numerous publications on the origins of the Vietnam war the following are most frequently cited: Department of State, *A Threat to the Peace: North Viet-Nam's Effort to Conquer South Viet-Nam.* Two Parts, Department of State Publication 7308 (Washington, D. C., December 1961); The Senator Gravel Edition, *The Pentagon Papers: The Defense Department History of United States Decision-making on Vietnam,* 4 Vols. (Boston, 1971); Department of Defense, *United States-Vietnam Relations: 1945–1967,* 12 books (Washington, D. C., 1971); Neil Sheehan et al., *The Pentagon Papers,* as published by *The New York Times* (New York, 1971); The Committee for the Study of History of the Viet Nam Workers' Party, *An Outline History of the Viet Nam Workers' Party, 1930–1970* (Hanoi, 1970); Ho Chi Minh, *Against U. S. Aggression for National Salvation* (Hanoi, 1967); Le Duan et al., *South Vietnam: Realities and Prospects,* special issue of *Vietnamese Studies,* nos. 18–19 (Hanoi, 1968); George McT. Kahin and John W. Lewis, *The United States in Vietnam* (New York, 1967);

KING C. CHEN is associate professor of political science at Rutgers University. His books include *Vietnam and China: 1938–1954* and *The Foreign Policy of China,* and he is currently working on a book about China and the Vietnam war.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

concerned, three major decisions in 1959–1963 had a crucial relationship to the origin and escalation of the war. The first decision of January 1959 approved in principle the resumption of armed revolt by the Communist movement in the South for its own protection against the suppressive measures of the Diem regime; the second decision of September 1960 set the general policy of the "liberation" of the South—i.e., the overthrow of the Diem regime and the establishment of a coalition government favorably disposed toward reunification with Communist North Vietnam; and the third decision of December 1963 adopted a more aggressive, offensive strategy including intensifying the sending of troops and matériel aid to the South. After these decisions were made, Hanoi found it hard to retreat from its commitment to the war. And yet, what was the background of these decisions? How were these decisions made? In other words, did Hanoi initially make these decisions or was she forced into them? And what were the content and context of these decisions? This article is directed to probe these questions. To be sure, it is difficult to apply the decision-making approach to this study because of the lack of data from the decision makers in Hanoi.[2] Yet, public documents, secret papers, and interviews provide us with sufficient information to deal with the subject. And an examination of the issue at this juncture, when the unpopular United States involvement in the war was over but the renewed fighting has rekindled our concern about Vietnam, will enable us to see calmly the nature and origin of the Vietnam war and help us understand the possible development in Indochina.

Causes of the War: Two Opposing Views

There are two major opposing theories on the causes of the Vietnam war. The first is that the war originated from the expansion of commun-

---

Russell H. Fifield, *Americans in Southeast Asia: The Roots of Commitment* (New York, 1973); Chester L. Cooper, *The Lost Crusade: America in Vietnam* (New York, 1970); David Schoenbrun, *Vietnam: How We Got In, How to Get Out* (New York, 1968); Victor Bator, *Vietnam: A Diplomatic Tragedy: The Origins of the United States Involvement* (New York, 1965); Bernard B. Fall, *The Two Viet-Nams: A Political and Military Analysis* (New York, 1964); Jeffrey Race, *War Comes to Long An* (Berkeley, Calif., 1972); Jean Lacouture, *Vietnam: Between Two Truces* (New York, 1966); Robert Scigliano, *South Vietnam: Nation under Stress* (Boston, 1963); Douglas Pike, *Viet Cong* (Cambridge, Mass., 1966); Dennis Warner, *The Last Confucian* (Baltimore, 1964); and Donald S. Zagoria, *Vietnam Triangle: Moscow, Peking, Hanoi* (New York, 1967).

[2] Unlike Glenn D. Paige on Harry Truman's decision on Korea in *The Korean Decision* (New York, 1968), or Townsend Hoopes on Lyndon B. Johnson's decision on de-escalation of the Vietnam war in *The Limits of Intervention* (New York, 1969), the

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ism from the North to the South. The second asserts that the conflict was caused by United States military intervention and aggression. Despite their different reasonings, they seem to reach a common conclusion—i.e., the war was inevitable.

The first argument is too familiar to dwell on here. But briefly, this view was maintained by Washington and Saigon as well as many other governments and individuals. As the State Department asserted, when the Communists were negotiating with the French in Geneva in 1954, they had already made "plans to take over all of Viet-Nam."[3] A number of party members and guerrilla units were not evacuated from the South to the North after July 1954; they were assigned to stay in the South. Arms and ammunition were cached in secret spots running from Saigon to the jungle areas. The men were instructed to await further orders to renew warfare.[4] Under these circumstances, the outbreak of the war was only a matter of time.

To cope with the Communist expansion, the United States first offered military aid to the French colonialist authorities in Indochina. Then in early 1954, with the Dien Bien Phu crisis, France requested Washington to intervene militarily. This request, after a heated debate among the decision makers, was denied by President Eisenhower due to the lack of support from Congress and the allies.[5] Soon after, the U. S. government turned down a French request to send United States military personnel to train the South Vietnamese army. After the Geneva settlement, however, a compromise between the "hawks" and "doves" was reached: the United States was to start anew to assist non-Communist South Vietnam, and this assistance would include the training and advising of a national army. This compromise was made between the Departments of State and Defense in which "political considerations . . . were allowed to govern."[6] To be sure, such a decision was guided by the containment policy.[7]

---

outsiders of Hanoi's decision-making circle will probably never have access to significant inside data on Hanoi's decisions on the Vietnam war.

[3] Department of State, *A Threat to the Peace*, Part I, p. 3.

[4] Ibid.

[5] Dwight D. Eisenhower, *Mandate for Change: The White House Years, 1953–1956* (New York, 1963), p. 347.

[6] Department of Defense, *United States-Vietnam Relations, 1945–1967*, Book 2, IV, A. 4., pp. 2.1 and 1–3. For the debate and compromise, see another account by a participant, James M. Gavin, in collaboration with Arthur T. Hadley, *Crisis Now* (New York, 1968), chap. III.

[7] Hans J. Morgenthau, "The Role of the United States in Indochina," in Gene T. Hsiao (ed.), *The Role of External Powers in the Indochina Crisis* (Edwardsville, Ill., 1973), pp. 8–9.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

A feeling that American military mentality was superior to that of the French seems to have entered into the minds of the policy makers in Washington at that time. The Defense Department stated:

> The reasons the United States undertook the training of the Vietnamese armed forces had their roots not only in the desire to contain Communism and preserve the freedom of South Vietnam, but also in the U.S. discontent and frustration with French military policy during the Indochina war. A strong desire to *correct French mistakes* generated considerable bureaucratic momentum.[8]

Undoubtedly, this strong "correct-French-mistakes" desire was reinforced by the belief in the capability of American military power. As events turned out, the subsequent United States involvement in Vietnam became a natural development from training and advising to actual fighting. It needed a miracle to reverse the trend in the early 1960s.

The second argument was held by the North Vietnamese, the Viet Cong, together with many other individuals and governments. Hanoi has clearly and repeatedly stated that Vietnam is one nation and that the Vietnamese revolution, in the North and South, is a revolution in two different stages. The completion of it, including national reunification, is the "sacred" mission of the Vietnamese. They will allow no obstacle to stand in their way. To this end, they can use either political or armed struggle, or both. It is only a matter of strategy.[9]

After the Geneva conference in 1954, Hanoi was hopeful about national reunification by peaceful means. But, Hanoi argued, the American intervention prevented this. What the United States wanted in Vietnam was to colonize the country. As Ho Chi Minh denounced the United States in 1950, the American "imperialists" contrived to "kick out" the French colonialists and "occupy" Indochina themselves.[10] Im-

[8] Department of Defense, *United States-Vietnam Relations, 1945–1967*, p. 2.1. *(Italics added.)*

[9] "The Path of the Revolution in the South" (*Duong Loi Cach Mang Mien Nam*) was a document of guiding principle for the South in 1956–1959. It was believed to have been written by Le Duan, then secretary of the Nam Bo Regional Committee and a member of the Central Committee. Captured in Long An province in 1957, a copy of it was deposited with the Center for Research Libraries by Jeffrey Race as Race Document 1002. Also consult *Working Paper on the North Vietnamese Role in the War in South Viet-Nam* (hereafter cited as *Working Paper*), Document 301. The text of the *Working Paper* was reproduced in *Viet-Nam Documents and Research Notes*, nos. 36–37 (Saigon, June 1968), and in *Congressional Record*, Vol. 114, Part 10 (May 9, 1968), pp. 12614–12620. "Resolution on South Vietnam" of the Ninth Conference of the Central Committee of the Vietnam Workers' Party, December 1963, in *Viet-Nam Documents and Research Notes*, no. 96 (Saigon, 1971). Le Duan, *The Vietnam Revolution: Fundamental Problems, Essential Tasks* (Hanoi, 1971), pp. 62–82.

[10] Ho Chi Minh's interview with Voice of Vietnam, Vietnam News Agency (hereafter cited as VNA), July 16, 1950.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

mediately after the French left Indochina, the Americans supported the "reactionary" Diem regime, trained its "puppet" army, and helped murder thousands of Vietnamese patriots—both Communist and non-Communist. To stop the United States intervention and aggression, the Communists were forced to resort to armed resistance. It was, therefore, "the United States policy of intervention and aggression" that began the Vietnam war, Hanoi asserted.[11]

Separately, neither of the above arguments offers a really convincing explanation; but jointly, they provide one. Since the completion of the revolution had been decided as the "sacred" mission of the Communists, a military confrontation with the United States containment policy was a foregone conclusion. Consequently, war became inevitable.

The Situation in the South, 1955–1959

The immediate post-Geneva years were relatively peaceful. North Vietnam was engaged in social and economic reconstruction, China adopted peaceful policies at home and abroad, and the Soviet Union was campaigning for its peaceful coexistence policy. But the United States actively assisted Ngo Dinh Diem. The Diem regime began to build its national army, while it consolidated its political position, improved its economic condition, and above all eliminated a good number of the Communists. This created a growing difficulty for the Communist activities in the South.

Diem began his anti-Communist campaign in mid-1955. In May 1956, his government announced that the campaign in a period of ten months had "entirely destroyed the predominant Communist influence of the previous nine years." More than 94,000 former Communist members had "rallied" to the government and 5613 other cadres had "surrendered" to the government forces.[12] As the time went on, the campaign intensified. In the province of An Xuyen alone, for instance, a five-week campaign which ended in late February 1959 had resulted in the surrender of 8125 Communist agents, and the denunciation of 9800 "other" agents and of 29,978 sympathizers.[13] These official figures must have included all of Diem's political foes, Communist and non-Communist.[14]

The Phu Loi prison incident of December 1958, in which more than

[11] Xuan Thuy's statement at the Paris Peace Talks, VNA (Hanoi), June 24, 1971.

[12] U. S. Operations Mission to Vietnam (USOM), *Saigon Daily News Round-Up*, May 14, 1956, p. 3.

[13] USOM, ibid., February 28, 1959, pp. 4–5.

[14] Consult Pike, *Viet Cong*, p. 59; and Philippe Devillers, "The Struggle for the Unification of Vietnam," *The China Quarterly*, no. 9 (January–March 1962), 12.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

twenty Communist detainees were reportedly poisoned, added new fear to the campaign. The drive reached an apex in May 1959 when Diem announced his severe Law 10/59 against both his Communist and non-Communist enemies.[15] It generated increasing discontent with his regime.

The campaign up to mid-1959 had caused the Communists great losses. The party apparatus could no longer function regularly; thousands of party members had surrendered or been captured or killed; and there was no place secure enough for members to stay except in the jungle and remote areas. The Diem regime, as a captured document reported at that time, had "truly and efficiently destroyed" the party.[16] This captured paper was supported by a Hanoi source of 1974. It stated rather frankly:

> The revolutionary movement suffered heavy losses. Hundreds of thousands of cadres and people were arrested or massacred. The self-defence organizations in the countryside were broken up. The armed forces in the resistance bases had to be reduced. In particular, the resistance army of the religious sects dwindled into a mere token force.
>
> Naturally, the more the people's self-defence organizations shrank, the more aggressive the cruel agents in the localities became and the bloodier the crimes they perpetrated. More and more cadres were arrested and many more revolutionary organizations in the villages and hamlets were broken up. The South Vietnamese people call this "the darkest period."[17]

An interview with a former party member of Long An province confirmed this "darkest period" (1958–1959).[18] Another source from Hanoi stated unequivocally that party membership in the South had declined from 15,000 in 1957 to 5000 by mid-1959.[19]

The demand for armed struggle increased daily. Many party members believed that political struggle was no longer applicable. A captured document said that "the majority of the Party members and cadres felt that it was necessary to launch immediately an armed struggle in order to *preserve* the movement and *protect* the forces." But the Nam Bo (south-

[15] According to the law, the Diem government had the power to eliminate not only Communist agents but also those who committed crimes "with the aim of sabotage" of the economy and finances of the State, or "of infringing upon the security of the State, or injuring the lives or property of the people." For the text of the law, see Marvin E. Gettleman (ed.), *Viet Nam: History, Documents, and Opinions on a Major World Crisis* (New York, 1965), pp. 256–260.

[16] *Working Paper*, Document 301, p. 9.

[17] Ta Xuan Linh, "How Armed Struggle Began in South Viet Nam," *Viet Nam Courier*, no. 22 (March 1974), 22.

[18] Race, *War Comes to Long An*, p. 99.

[19] *Tinh Hinh Nam Bo Tu Sau Hoa Binh Lap Lai Den Hien Nay* (The Situation in the South from the Restoration of Peace to the Present), p. 26. (A captured document, hereafter cited as *Tinh Hinh Nam Bo*.)

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ern part) Regional Committee leadership, which was then in charge of the southern revolution, hesitated. The principal reason was the fear of violating the party line[20]—the line of political struggle set forth by the party.

The friction between the individual members and the party apparatus grew wider. Some members became so angry that they "took weapons the Party had hidden and came out of the jungle to kill the officials who were making trouble for them or their families. . . . Sometimes these individuals were so angry at the Party that they purposely allowed themselves to be captured afterwards—just to spite the Party."[21] Under these circumstances, "responsible elements of the Communist Resistance in Indo-China came to the conclusion that they had to act, whether Hanoi wanted them to or no."[22]

To understand the situation thoroughly, Le Duan reportedly made an extensive trip to the South in late 1958. There is no further information available about his trip or his findings. But undoubtedly, it must have been a combination of Duan's findings and the increasing desire for armed struggle that prompted Hanoi to make a new decision.

Hanoi's First Decision—January 1959

The general party line prior to 1959 had guided North Vietnam to engage in economic and social reforms, notably the land reform and the Three-Year Plan. Even after the party activities in the South had suffered severely, Hanoi still hoped to achieve a gradual and peaceful reunification. For instance, the Fourteenth Enlarged Central Committee Conference in November 1958 deliberated mainly on the Three-Year Plan,[23] and in December of that year Pham Van Dong proposed a plan to Ngo Dinh Diem for the normalization of South and North relationships. Even if Dong was playing a game with Diem, the major points proposed were not "militant" nor were they really unfavorable to Diem.[24] In fact, several proposed items, such as no military alliances for either side and trade between the two sides, were among the tentatively agreeable conditions between Hanoi and Saigon in secret negotiations in early 1963 (see discussion below). Internationally, Hanoi endorsed Khrushchev's proposal for the creation of a peace zone in the Pacific area. And in March 1959 *Nhan Dan* praised the Soviet-British talks as an effort to safeguard world

[20] CRIMP Document, in *Working Paper;* also see *Tinh Hinh Nam Bo*, p. 32.

[21] Race, *War Comes to Long An*, pp. 99–100.

[22] Devillers, "Struggle for the Unification of Vietnam," p. 15.

[23] Hanoi Radio, in Vietnamese, December 8, 1958.

[24] Pham Van Dong's note to President Ngo Dinh Diem, dated December 22, 1958, VNA, December 26, 1958.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

peace.[25] These domestic and foreign policies explain, at least partially, why Hanoi was late in responding to the demand for armed revolt in the South. But the urgent situation there forced Hanoi to resort to the "people's war."[26]

The first new decision approved the resumption of armed struggle. It was made in principle at the Fifteenth Central Committee Conference in January 1959. But the order (directive) to carry out this decision was not issued until after the Politburo meeting in May 1959.[27] In view of the timing of the directive's issuance, Law 10/59 (May 6, 1959) must have served as the last impetus to the action.

The communiqué of the Fifteenth Central Committee Conference of May 13 (four months after the conference) made no mention of armed revolution.[28] Other sources, however, clearly suggested the date of the first decision on war.

One day after the publication of the communiqué *Nhan Dan* carried the following editorial on how to achieve the Vietnamese reunification:

> Our compatriots in the south will struggle resolutely and persistently against the cruel U.S.-Diem regime, holding aloft the tradition of the (1941) South Vietnam uprising, the (1945) Ba To uprising, and the August (1945) general uprising . . . and other valuable traditions of the workers' movement and of countless legal and semilegal struggles. . . . Our people are determined to struggle with their traditional heroism and by all necessary forms and measures so as to achieve the goal of the revolution.[29]

Clearly, the editorial was disseminating the party's permission of armed uprisings—the first new decision—against the Saigon govern-

[25] *Nhan Dan* (People's Daily), March 5, 1959.

[26] P. J. Honey, in *Communism in North Vietnam* (Cambridge, Mass., 1963), p. 67, suggests: "The desperate and increasing food shortage led the DRV leadership to decide —probably at the meeting of the Central Committee of the Lao Dong Party held in May 1959—to change its tactics toward South Vietnam and to revert to the technique of the 'people's war.'" New evidences have proved that the main reason for this change was for the survival of the revolution in the South, not for the food shortage in DRV.

[27] The date of the Fifteenth Central Committee Conference had previously been a confusion. Early sources tend to suggest May 1959 (VNA issued the conference's communiqué on May 13, 1959); but both "The Resolution on South Vietnam" of the Ninth Conference of the Central Committee of December 1963 and *An Outline History of the Viet Nam Workers' Party, 1930–1970* indicate the date was January 1959. It can be established that the conference was held in January 1959 but was not made known until May 1959 when the Politburo decided to issue its armed struggle "directive." I would like to express my thanks to Carlyle A. Thayer for his discussion of the matter with me.

[28] Hanoi Radio, May 13, 1959.

[29] *Nhan Dan*, May 14, 1959.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ment. The so-called tradition of uprisings, "all necessary forms and measures" and "legal and semilegal struggles" indicate that the end justifies the means.

A second source is a captured secret document of the "Resolution on South Vietnam" of the Ninth Central Committee Conference in December 1963. It stated categorically:

> The Resolution of the 15th Central [Committee] Conference (January 1959) and the subsequent Resolution of the Third Party National Congress have clearly set forth policy for the revolution in the South and the struggle guideline designed to win victory.[30]

A third source of evidence is a captured notebook of an unidentified but apparently high-ranking cadre. This secret document, contained in the *Working Paper*, read as follows:

> Since the end of 1959, particularly after the Phu Loi massacre, the situation truly ripened for an armed movement against the enemy. But the leadership of the Nam Bo Regional Committee at that time still hesitated for many reasons, but the principal one was the fear of violating the Party line. *The directive of the Politburo in May 1959 stated that the time had come to push the armed struggle against the enemy.*[31]

Thus it is is obvious that the first decision was made in January 1959, and the resulting directive for armed struggle was issued in May 1959.

Soon after, Hanoi launched a strong propaganda campaign against the United States and Diem (My-Diem). Originally, it was supposed to be a month-long drive (July 1959); it turned out to be a decade-old anti-American movement. According to Hanoi, 4 million people in the North had participated in rallies and demonstrations during the drive from July to November.[32] More significantly, *Hoc Tap* (Studies), on the occasion of the August revolution, carried a forceful editorial calling for the strengthening of the united front in the South, and explaining why and how:

> In view of the present situation in the South, the front must have a minimum platform and rational organizational forms so as to be able to group together different strata of people, including political and religious sects; people's organizations; various nationalities; individuals interested in peaceful reunification, independence, and democracy; and even southern officials opposing Ngo Dinh Diem's subservient policy. We must profit by the experi-

[30] The "Resolution on South Vietnam" of the Ninth Conference of the Central Committee of December 1963 in *Viet-Nam Documents and Research Notes*, no. 96, pp. 3 and 41.

[31] *Working Paper*, Document 301. (Italics added.)

[32] VNA, July 19, 1959 and November 27, 1959.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ence of the Viet Minh front and the August revolution to unite with every person, win him over to our side, or neutralize him whenever possible.[33]

It went on to say that the front should "allow itself to be led by the workers' party" and "carry out the party's plans." In short, Hanoi wanted the front to have a fresh, vigorous struggle program under the party's command.

The Second Decision—September 1960

In the South, the Viet Cong began to increase armed activities in the fall of 1959. A few months later, their activities had become a threat to the life of many local government officials. In late February 1960, for instance, the Viet Cong, grouped in small bands, attacked government offices, personnel, security forces, and schools in Vinh Long, Long An, Kien Hoa, and five other provinces. In April, the clash between the government and Communist forces broke out 126 times throughout South Vietnam.[34] Another report on Long An province offered some specific figures. In 1959 in that province alone, the government lost 21 people (including the killed and kidnapped), the Viet Cong lost 440; the former was approximately 5 percent of the latter. In 1960, the government losses were 175, the Viet Cong 797; the former had increased to 22 percent of the latter.[35]

When men's lust for power is generated mainly by passions and not by reason, they transform "revolutions into dictatorships."[36] This is the evil aspect of human behavior which was reflected in Diem's rule at that time. As of 1960, Diem's repression policies had provoked serious discontent and anger from the non-Communist people. In April of that year, for instance, eighteen non-Communist political leaders (many of whom were Diem's former aides) publicly charged Diem with copying "dictatorial" rule.[37] These eighteen leaders well indicated the national mood of serious dissension.

[33] *Hoc Tap*, editorial, "It Is Necessary to Strengthen and Develop the United People's Front," no. 8, August 1959.

[34] Report in *Hsin-wen T'ien-ti* (Newsdom, Hong Kong), May 21, 1960, pp. 14–16.

[35] Race, *War Comes to Long An*, p. 114.

[36] Hans Morgenthau, *Scientific Man vs. Power Politics* (Chicago, 1946), p. 195.

[37] The eighteen leaders included Dr. Tran Van Do, former foreign minister under Diem, Dr. Phan Huy Quat, former minister of national defense, Tran Van Van, former minister of economy and planning, and seven other former ministers. *The New York Times*, May 1, 1960, p. 1. In March 1960, the Nam-bo Veterans of the Resistance Association also issued a declaration, calling upon the people to put an end to the government's bloody operations and repression in South Vietnam. The declaration might have been the product of a meeting of the Association in following the decision of the Central Committee in 1959.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Accurately reading the political climate in the South, Le Duan, for the first time, strongly asserted in April 1960 that the liberation of South Vietnam was "not only a task of the southern people but also of the entire people, of the South as well as of the North."[38] And in May 1960, Hanoi began to argue that it "was impossible to negotiate peacefully with warmongers."[39] It thus became militant on the South. In July, Pham Van Dong said at the Second National Assembly that the reunification of Vietnam was a "sacred task" of the Vietnamese people.[40] In August, Nguyen Chi Thanh, in applying the experience of the resistance war of 1946–1954 to the situation in 1960, drew a conclusion that the correct way to solve the "contradiction" between the Lao Dong party and its enemies was to use "revolutionary violence."[41]

Against this background, Hanoi made another significant move by convening the Third Party Congress in September 1960.

In retrospect, Hanoi's second decision on the war as made at this Congress was clear: (1) it set a general policy line for consolidation of the North, liberation of the South, and reunification of the nation; (2) it called for the establishment of a united front and a coalition government in South Vietnam; and (3) it urged the application of the August revolution "model" to the South. Of the three, the first was the most important and logical policy. National reunification required the "liberation" of the South which, in turn, depended fundamentally on the success of the socialist construction in the North. Of all the public documents released immediately after the Congress, an article by Minh Tranh was probably the most instructive. It specified "who," "what," "how," and "when" to accomplish the general policy line:

> The problem of the struggle for the unification of the country and that of the revolution in South Vietnam are indivisible. They are closely bound together. . . .
>
> Now, *who* will have to struggle to realize the unification of the country? Since there are two zones, it is natural that the people in both zones must consider this struggle as their own task and responsibility. . . .
>
> To achieve unification of the country, *what* path should the revolution in South Vietnam follow? . . . Everyone is aware that the enemy of unification is nobody but the U.S. imperialists and their agents who are governing South Vietnam. . . . It is obvious that any hopes to turn the present southern regime into a government which would willingly and peacefully discuss with us the

[38] Le Duan, "Leninism and Vietnam's Revolution," *On the Socialist Revolution in Vietnam*, 3 vols. (Hanoi, 1965 and 1967), I, p. 48.

[39] *Nhan Dan*, May 18, 1960.

[40] VNA, July 7, 1960.

[41] Nguyen Chi Thanh, "Our Party Has Skillfully Led the Revolutionary War, the Building of the Army, and the Strengthening of National Defense," *Hoc Tap*, nos. 8 and 9 (August and September 1960).

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

unification problem are merely utopian. [How?] We should, then, completely destroy the present southern government and set up another one. . . .

One thing is certain . . . [when] the day our southern compatriots succeed in completely liberating themselves from the yoke of the U.S.-Diem clique, a democratic and national concord government will be set up in South Vietnam. Then the possibility of peaceful unification of our country will become a reality.[42]

Hanoi had now moved from a decision advocating a war for self-protection of the Viet Cong to one for the overthrow of Diem and the establishment of a coalition government including Communist elements. To this end, the Congress called for the establishment of a united front which led to the organization of the National Front for Liberation of South Vietnam (NLF) in December 1960.

The connection between the "call" and the "establishment" of the front, however, has become a controversial subject. The State Department asserted that the front was "Hanoi's creation," whereas scholars rebutted it.[43] It seems that Hanoi had played a crucial role in the establishment, a view substantiated by the following two sources.

Apart from *Hoc Tap's* urge for a new program for the front in August 1959, Le Duan made a formal appeal at the Third Congress. He strongly suggested that the Communists

establish a united bloc of workers, peasants and soldiers and to bring into being a broad national united front with the worker-peasant alliances as the basis, directed against the U.S.-Diem clique in South Vietnam.[44]

Another source, a captured document, revealed some precise information. After the front was established, a southern regional committee of the party issued in January 1961 "instructions" to zones 1, 2, 3, and 4 (eastern, central, and western zones of Nam Bo and the Saigon-Cholon zone). It explained that the alliance of the workers and peasants was the basic force composing the front, but that in the situation in the South, these two classes did not have such capability of achieving decisive victories. This "reason prompts the Party to apply the policy of the Front [sic] and to *set up* the People's Front for Liberation of South Vietnam to attract bourgeois intellectual circles which comprise young men and girls and students in the cities, middle and rich peasants in the countryside."[45]

[42] Minh Tranh, "The Revolution in South Vietnam and National Unification," Hanoi Radio, in Vietnamese to South Vietnam, October 19, 1960.

[43] Department of State, *Aggression from the North: The Record of North Viet-Nam's Campaign to Conquer South Viet-Nam* (Washington, D. C., 1965), pp. 2 and 20. For the rebuttal, see Kahin and Lewis, *The United States in Vietnam*, pp. 119–120.

[44] Le Duan's speech at the Third Congress, Hanoi Radio, September 5, 1960.

[45] Department of State, *A Threat to the Peace*, Part II, p. 97; the document's photostatic copy, p. 96.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

If Hanoi had played no role in the formation of the front, why did it call for and "set up" the organization? Naturally, the factors for the creation of the front were complicated. But, judging by the available evidence, it is fair to say that Hanoi did not "create" it, but it did take the initiative to urge and set a concrete policy for its establishment.

Hanoi in early 1959 began to nurse its expectation of an "August revolution" in the South. At the Third Congress, General Vo Nguyen Giap praised the August revolution as a "model" of revolution:

> The August general uprisings are a model of successful uprising in a colonial and semi-colonial country and a model of a clever association between political and armed struggles and between the political forces of the masses and the revolutionary armed forces.[46]

Giap implied that the revolutionists should apply this "model" to the South for its liberation. In fact, a second "August revolution" had been a dream of Hanoi's strategists since 1959. To this end, a concrete revolutionary machinery was soon to be established which included in the South a united front, an army, and a Communist party.

The Third Decision—December 1963

Two months after the Third Congress, a coup broke out in Saigon. The incident, albeit abortive, served to indicate the rebellious mood against Diem. One month later, in December 1960, the news media in Saigon and Phnom Penh reported the organization of the NLF. Hanoi Radio did not make such a report until January 29, 1961.[47] Its ten-point program, which was announced by Hanoi in February, emphasized the overthrow of the Diem regime and the establishment of a democratic coalition administration. No socialist item was included.[48] Yet on February 15, the real strength of the NLF, the People's Liberation Armed Forces, was officially established.

In 1961, the Viet Cong scored several victories. The development alarmed Diem who in October of that year called the conflict a "real war"—no longer a guerrilla action. In the same month, General Maxwell D. Taylor, in his capacity as President Kennedy's military advisor, was sent to South Vietnam on a fact-finding mission. As a result, a new assistance program was recommended, including a "U.S. military task force."

[46] Giap's report to the Third Congress, Hanoi Radio, September 12, 1960.

[47] In view of the lateness of Hanoi's report on such an important event (one month after the reports from Saigon and Phnom Penh) and in view of Hanoi's capacity and practice in serving as the spokesman for the revolutionary activities in the South, it is fair to say that Hanoi had chosen to delay the report so as to show its "noninvolvement" in the establishment of the front.

[48] Hanoi Radio, February 11, 1961.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

In mid-December, two United States military helicopter companies arrived in Saigon, marking the first direct United States military support to Diem. Hanoi must have been very concerned about this new development. To boost morale and show its potential strength, in late December Hanoi invited a strong Chinese military delegation for a visit. It seems that both the United States and North Vietnam had begun to prepare for a future military conflict.

On January 1, 1962, the Vietnam People's Revolutionary party (Dang Nhan Dan Cach Mang Viet Nam) was founded in the South, proclaiming its objectives of independence, freedom, democracy, socialism, and communism. On the United States-Saigon side, in February the United States Military Assistance Advisory Group in Saigon became the more powerful "United States Military Assistance Command, Vietnam." It was actually the headquarters of a military command. Moreover, the United States began to arm the tribesmen and delivered to Saigon more helicopter companies and other military aid. And American helicopters had already engaged in fighting with the Viet Cong.

The year 1963 was punctuated by a series of crises in the South. Diem's repression became intolerable. The people's rebellious mood ran high.[49] At the height of the Buddhist crisis in late August, Ho Chi Minh issued a statement, calling on the people in the South to continue their struggle until complete victory was achieved. On the following day, Mao Tse-tung responded with a statement strongly endorsing Ho's stand. But the overthrow of the Diem regime in late October, for which Hanoi had repeatedly called, was not carried out by the NLF forces, but by Diem's generals with the involvement of the American CIA. The postcoup situation was chaotic and critical. The United States, as Secretary of Defence McNamara reported in December, was now seriously concerned that the "indecisive and drifting" junta regime might go Communist if the situation was not reversed in two or three months.[50]

Against this background, Hanoi convened the Ninth Central Committee Plenum in December 1963. It was an extremely important conference on South Vietnam and on the Sino-Soviet dispute. Of its four signifi-

[49] One of the most effective means of Diem's repression was the so-called Can Lao Nhan Vi Cach Mang Dang (Personalism-Labor-Revolutionary party). Led by Ngo Dinh Nhu, Diem's brother, it launched a "three-anti movement"—i.e., anti-Communist, anti-American, and antiweakness. The party's repression policy was often criticized as being Fascist.

[50] Document #61, "Vietnam Situation" from Secretary of Defense Robert S. McNamara to President Johnson, December 21, 1963, in *The Pentagon Papers* (*The New York Times* version), pp. 271–274; for the November 1963 coup, see chap. 4 of the book. Another account of the coup was given by Henry Cabot Lodge, *The Storm Has Many Eyes—A Personal Narrative* (New York, 1973), pp. 205–214.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

cant documents available as of early 1975, three public ones were on the dispute, and one, the "Resolution on South Vietnam," was classified "top secret."[51] According to this "secret" document, the ten-day meeting, apart from reaffirming Hanoi's confidence in the struggle and assessing the United States role, made Hanoi's third decision on new strategies and tasks for the war.

Three new strategies and tasks were included: (1) to confine the war within the boundaries of the South, (2) to intensify aid from the North, and (3) to adopt an offensive strategy on both the political and military fronts.

As of December 1963, the United States had not yet bombed the North; but Hanoi saw "the necessity to contain the enemy in the 'special war' and confine this war within South Vietnam." Clearly, it was a strategy of "war in one country." Such confinement later proved to be essential to the survival of North Vietnam. In operation, therefore, Hanoi decided not to openly become involved in the war so as not to provoke the United States to retaliation. Instead, Hanoi decided to act quietly and secretly. And yet the situation in the South, though favorable, still needed a strong push in order to achieve its "liberation." The conference therefore resolved that the North should play a truly active role in the fight by intensifying its aid to the southern insurgents. As the resolution stressed, the leadership should have a strong determination in its support and aid; both *mien* (sides—i.e., South and North) must make "maximum efforts" to defeat the enemy. What kinds of aid were offered to the South? Although the resolution did not specify, the war development later proved the aid to be both manpower and matériel.

The adoption of an *offensive strategy* for the South was probably the most urgent decision at that moment. The same "secret" resolution repeatedly discussed the issue of the "balance of forces" in the world and asserted that the revolution in South Vietnam would inevitably evolve into a "general offensive and uprising." Of all the data available today, the most forcible and revealing argument for such offensive strategy was an article in the January 1964 issue of *Hoc Tap*. It was actually a summary and interpretation of the aforementioned four documents of this conference. It rebutted the idea that an offensive strategy would lead to a major war and denounced the "defensive strategy" of compromise and cooperation with the imperialists as a policy of "abandoning revolution." It went on to say:

> Since 1961, U.S. imperialism has launched a "special warfare" against the people in South Vietnam. This is the biggest war now being fought in the world. Such being the case, the people in the South should not pin their hope

[51] See *Viet-Nam Documents and Research Notes*, no. 96.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

> on the "sincere desire for peace" of the U.S. aggressor, nor should they wait for fifteen or twenty more years for the defeat of the imperialist camp by the socialist camp in their economic competition, before they can bring about a peaceful reunification of Vietnam. On the contrary, they should rise up and integrate their political struggle with armed struggle to uphold their right to existence. The road of struggle now taken by the people in South Vietnam is the only correct road to liberation.[52]

Clearly, the adoption of such offensive strategy was the final outcome of this conference. However, it must be pointed out that in 1963 there were secret contacts between Hanoi and Saigon for an accommodation. Leaders like Ho Chi Minh and Pham Van Dong reportedly still hoped to seek a peaceful settlement first with Diem and then with the post-Diem junta. Western diplomats to Hanoi reported at that time that such a settlement would permit a resumption of South-North trade and mutual visits and would gradually force the departure of American military personnel. Hanoi desired this settlement for three reasons: the economic difficulties in the North, the possibility of a deeper military conflict with the United States, and the strain of the Sino-Soviet rivalry in Vietnam. Immediately after the November 1963 coup, the new minister of security in Saigon said that the junta had learned about Diem's negotiations with Hanoi through the Polish representative on the International Control Commission.[53] In January 1975, this Polish diplomat, Mieczyslaw Maneli, confirmed the report and revealed some details of this unsuccessful development. He said that in the spring of 1963 he was asked secretly by Diem and his brother, Ngo Dinh Nhu, to approach the Hanoi government to explore the possibilities for a peaceful resolution of the struggle. Such a resolution would lead to the withdrawal of American military forces. In the summer of 1963, after long discussions with the North Vietnamese leaders, Hanoi produced plans under which the North and South could gradually develop postal, economic, and cultural relations. Other details were even more important:

> The North would not press for a speedy reunification, but instead a coalition government would be set up in the South. . . . Such a government could be headed by Mr. Diem. . . .
>
> Hanoi had always sought neutralization of the South. As for the North, both Ho Chi Minh and Pham Van Dong were reluctant to accept the label "neutralization," but were eager to accept the idea. North Vietnam would not become an aggressive outpost against other countries, and neither Soviet nor Chinese troops would under any conditions be allowed on Vietnamese soil. . . .

[52] "Balance of Forces and Strategic Offensive," *Hoc Tap*, January 1964; Hanoi Radio, February 11, 1964.

[53] *The New York Times*, November 10, 1963.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

> What guarantees could be offered to the West that Hanoi would keep its word? . . . The answer was that in case of a United States withdrawal, the North would be prepared to give all kinds of substantial guarantees and American participation in the supervisory process was not excluded.[54]

Several questions would have to be raised. First, what were the objectives of Hanoi and Saigon for reaching such an accommodation? Hanoi, probably under the influence of the 1962 agreement on the neutralization of Laos, seems to have believed that a neutralized South Vietnam would force the United States departure and would eventually work in favor of the Communist desire to take over the country. Meanwhile, Saigon hoped that such a neutralization would at least reduce the threat from the Viet Cong and lead to the withdrawal of United States forces and pressure;[55] such a development would, in consequence, help Diem to continue to stay in power. Second, what caused the breakdown of the secret contacts? They were apparently interrupted by the Buddhist crisis in the summer and cut off by the postcoup junta. Third, did the United States block the possibility of such accommodation? It seems that the United States had at least blocked it by attempting to replace Diem and/or Nhu and by implicitly or explicitly endorsing the November coup of the Saigon generals who firmly rejected the Saigon-Hanoi secret talks.[56]

Consequently, it can be assumed that only after the Saigon junta had rejected in early November Hanoi's attempt to resume secret negotiations had Hanoi made in December her new decision on offensive strategy. It was, therefore, a decision in response to the chaotic situation in the South and the uncompromising position of the junta.

Peking also was concerned about the situation. Peking offered strong, although unspecified, advice of a cautious but flexible strategy of protracted war to the Vietnamese revolutionaries. The advice was carried by an article published both in Chinese and English. The Chinese version appeared in *Jen-min Jih-pao* on July 31, 1963, when the Saigon Buddhist crisis ran high, and the English version appeared in the *Peking Review* on November 15, 1963, when the postcoup situation was critical. A sense of urgency was clearly shown in the article by the repeated use of strong words, such as "must" and "essential," in pointing out how such a war should be fought.

To highlight the significant development of Hanoi's strategies for the

[54] Mieczyslaw Maneli, "Vietnam, '63 and Now," *The New York Times*, January 27, 1975, p. 25.

[55] The United States was exercising her influence seeking the removal of Diem and his brother, Ngo Dinh Nhu. See *The Pentagon Papers*, chap. 4; and Lodge, *The Storm Has Many Eyes*, pp. 206–210.

[56] Ibid.; see also *The New York Times*, November 10, 1963.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

South from 1959 to 1963, a content analysis of the public documents of the above three meetings (1959, 1960, and 1963) was made. As Table 1 shows, a report and a communiqué of the Central Committee meetings of 1959 and 1960 were also included in order to illustrate the major points of analysis.

The table warrants the following analysis: (1) As stated by the 1963 resolution, the party "set forth the policy" and "directed" the revolution in the South. It began to act at the January 1959 conference, continued at the September 1960 Third Party Congress and other meetings, and finally at the December 1963 Plenum (major policies and themes developed from "national reunification," "smash U.S. imperialism and its lackey," "liberation of the South," to "the North increases aid to the South," and so forth). The policy developed from general to specific. This development unequivocally indicated the consistency of Hanoi's strategies to guide the revolution in the South. (2) The theme on "socialist revolution in the North" developed from ten times (71.4 percent) in 1958, twenty-five times (36.77 percent) in 1960, to three times (7.14 percent) in 1963; and the emphasis on "national reunification" shifted from three times (21.4 percent) in 1958, twelve times (60 percent) in 1959, thirty times (only 44.12 percent) in 1960, and two times (4.76 percent) in 1963. But, Hanoi's urge for the coordination between the "political and military struggles" and preparation for "the general offensive and uprising" advanced from *zero* at the meetings of 1958, 1959, and 1960 to eighteen (42.86 percent) and ten times (23.81 percent) respectively in 1963. Likewise, the party's decision on the intensifying of aid to the South, which included both weaponry and manpower, developed from *zero* at earlier meetings to a new and urgent appeal in 1963 (three times —7.14 percent). This trend shows clearly the growing intensity of Hanoi's involvement in the armed struggle. In sum, this analysis serves to prove that North Vietnam's commitment to the war in 1959–1963 had developed from general guidance to specific assistance, and from political struggle to armed revolt.

Conclusion

An examination of Hanoi's three major decisions in 1959–1963 makes the questions raised earlier fairly clear. Hanoi sees the origin of the war in ideological perspective; revolutionary interests are often placed at the apex of policy-making deliberation. The revolution is long and difficult, and the use of peaceful or violent means is only a matter of strategies and tactics. If the peaceful means fail, violence will be employed, and vice versa. The Vietnamese revolution, therefore, is characterized by the long, hard political and military struggles. Hanoi does not regard the

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

TABLE 1

Frequency of Major Themes of Hanoi's Decisions on South Vietnam, 1958–1963

Major Theme	*Report of the 14th Central Committee Meeting, Nov. 1958*	*Communiqué of the 15th Central Committee Meeting, May 1959*	*Communiqué of the 18th Central Committee Meeting, July 1960*	*Resolution of the Third Party Congress, Sept. 1960*	*Resolution on South Vietnam of the 9th Central Committee Meeting, Dec. 1963*
Socialist revolution in the North	10 (71.4%)	2 (10%)		25 (36.77%)	3 (7.14%)
National reunification	3 (21.4%)	12 (60%)	1 (14.3%)	30 (44.12%)	2 (4.76%)
War preparation by U.S.–Diem	1 (7.2%)	2 (10%)			
Terror and massacre of U.S.–Diem		3 (15%)		2 (2.94%)	
To smash U.S. imperialism and its lackey		1 (5%)	1 (14.3%)	4 (5.88%)	1 (2.38%)
Unity of the Socialist camp			4 (57.1%)	3 (4.41%)	
Approval of the communiqué of the Bucharest Conference			1 (14.3%)		
Liberation of the South				4 (5.88%)	
Political struggle coordinates with armed struggle					18 (42.86%)
The party sets forth the policy for, and directs, the revolution in the South					5 (11.91%)
The North should increase aid to the South					3 (7.14%)
To prepare for general offensive and uprising					10 (23.81%)
TOTAL	14 (100%)	20 (100%)	7 (100%)	68 (100%)	42 (100%)

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

problems of war and peace as two separate, short-term issues as does the United States. They are only two aspects of one issue—the revolution. In this context, Hanoi's "sacred mission" of, and commitment to, the completion of the revolution in the South do serve as a fundamental cause of the origin and escalation of the Vietnam war.

And yet, North Vietnam's main domestic concern in the post-Geneva years was her socioeconomic construction. Her Three-Year and Five-Year Plans were geared to build socialism in the North. Her economic difficulty and political-struggle policy prevented her from taking an initiative to launch a war in the South at that time. It was the growing military campaign of the Diem regime against the Communists with America's support that compelled Hanoi to decide to revert to war. Once the war decision was made, Hanoi found it hard to retreat. Undoubtedly, there were other decisions made by party conferences; but the three discussed were the most important. And these decisions must have been originated and formulated by a few top leaders.

The first decision of January 1959 on the resumption of armed struggle in the South marked a departure from the party line of political struggle established after 1954. This decision was made originally for self-preservation rather than "aggression." The second decision of September 1960 resolved to liberate the South in order to achieve national reunification. To this end, Hanoi guided and accelerated the build-up of the revolutionary machinery in a concrete form: the NLF (December 1960), the People's Liberation Armed Forces (February 1961), and the People's Revolutionary party (January 1962). And to make the revolution successful, Hanoi let the southern revolutionaries run a relatively independent course. This decision advanced Hanoi's stand from a policy of self-protection to a more ambitious strategy of liberating the South. The third decision of December 1963 was the adoption of an offensive strategy. Meanwhile, Hanoi committed itself to a really determined and active program of aid for the southern revolutionaries. By making this decision, Hanoi promoted itself to an aggressive, specific, and effective position toward the South. As of December 1963, it would have been a miracle if both Hanoi and Washington had reversed their commitments to the war.

Although Hanoi in late 1963 had decided to fight, its strategy was to confine the war to one country—South Vietnam. Ho Chi Minh may have taken into consideration the neutralization of Laos (1962), China's advice, and Khrushchev's cool attitude.[57] But such strategy was adopted mainly because of Ho Chi Minh's fear of America's massive intervention

[57] For a discussion of the cool Soviet attitude toward Hanoi, see King C. Chen, "North Vietnam in the Sino-Soviet Dispute, 1962–64," *Asian Survey* (September 1964), 1023–1936.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

and his hope to keep the North out of the war. The Tonkin Gulf Resolution shattered his hope completely.

Postscript

On April 30, 1975, the assaults of the Viet Cong and North Vietnamese forced the Saigon government to unconditional surrender. In a period of two months, the North Vietnamese drove Saigon's troops to a total collapse and compelled the hasty and complete evacuation of American personnel. The tragic Vietnam war was over. It was the final victory of Hanoi and the Viet Cong, and a great, humiliating failure of American intervention there.

In retrospect, it is evident that the North Vietnamese and Viet Cong followed closely Hanoi's three decisions of 1959–1963. They accomplished almost all of the objectives as laid down by Hanoi—i.e., the overthrow of the Saigon government (Diem, Thieu, Huong, and Minh), the departure of all American personnel, and the "liberation" of the South. The final goal that remains to be achieved is the national reunification of the South with the North. As Saigon has been renamed "Ho Chi Minh City," the first cornerstone of reunification has been quietly and cleverly placed. They will accomplish this goal in due course probably through a general election. The completion of the Vietnamese revolution is at hand. With the recent takeover of Cambodia by the Khmer Rouge and the shaky coalition government in Laos, a Communist victory throughout Indochina seems to be only a matter of time.*

* The author would like to express his appreciation for financial support for this study to the Research Institute on International Change, Columbia University, and the Faculty Research Council of Rutgers University.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The Double Standard of Constitutional Protection in the Era of the Welfare State

RICHARD FUNSTON

More than a third of a century ago Justice Harlan Fiske Stone labored and brought forth an opinion for the Supreme Court in the case of *United States* v. *Carolene Products Co.*[1] The case was a pedestrian one, dealing with government regulation of adulterated milk, and Stone's opinion was in keeping with its character. Indeed, the decision might have passed into obscurity with the vast bulk of the Court's nonlandmark cases, had Stone not chosen the occasion to announce in a footnote an entirely new doctrine of judicial review. Hidden in the interstices of *Carolene Products* is, as every serious student of constitutional law knows, the famous Footnote Four.[2] In essence what Footnote Four did, or attempted to do, was to postulate a dichotomy between so-called "civil" or "personal" rights and so-called "property" rights and then to suggest that the standard for judicial review of legislation assertedly violating these different rights would itself be different. Alleged infringements of economic rights would be subjected to a minimal inquiry, but government actions

[1] 304 U.S. 144 (1938).

[2] Ibid. at 152 n. 4. The origin and drafting of Footnote Four are discussed in detail in A. Mason, *Harlan Fiske Stone: Pillar of the Law*, 2d ed. (New York, 1968), pp. 512–517, and A. Mason, *The Supreme Court: Palladium of Freedom* (Ann Arbor, Mich., 1962), pp. 151–156.

RICHARD FUNSTON is associate professor of political science at San Diego State University. He has edited *Judicial Crises: The Supreme Court in a Changing America* and is the author of the forthcoming *Constitutional Counterrevolution?: The Warren Court and the Burger Court.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

touching individual civil liberties would receive strict judicial scrutiny. Subsequent cases building upon Footnote Four magnified the difference in judicial approach and protection accorded to "human" as opposed to "property" rights.[3] Questions of commercial and economic regulation were virtually abandoned to the legislatures,[4] while whole new categories of civil liberties were judicially created or discovered and militantly protected against legislative encroachment.[5] But, of late, the confluence of Stone's "double standard" and Professor Charles Reich's "new property" has put the old orthodoxy of judicial liberalism to serious test and apparently shaken the confidence of some of its chief architects.[6] The application of the double standard to the legislation of the welfare state has raised again the problem of the economic bases of individual liberty. Before analyzing the present status of the double standard, however, "we must trace the process by which . . . that status came into being."[7]

The Supreme Court's juxtaposition of property rights and civil rights is at odds with a legal and philosophic tradition, traceable to the ancients, which insisted upon the equality of the values of property and liberty.[8] Indeed, there is a sort of perverse continuity between the origins in the law of real property of English constitutional law[9] and contemporary Marxism with its insistence that politics and political freedoms are but the mere function of the economic order.[10] Certainly the framers of the

[3] E.g., compare *Olsen* v. *Nebraska*, 313 U.S. 236 (1941), and *Ferguson* v. *Skrupa*, 372 U.S. 726 (1963), and *Lehnhausen* v. *Lake Shore Auto Parts Co.*, 410 U.S. 356, (1973), with *Thomas* v. *Collins*, 323 U.S. 516 (1945), and *Griswold* v. *Connecticut*, 381 U.S. 479 (1965).

[4] See, e.g., *Day-Brite Lighting* v. *Missouri*, 342 U.S. 421 (1952); *Williamson* v. *Lee Optical Co.*, 348 U.S. 483 (1955).

[5] See, e.g., *Skinner* v. *Oklahoma* ex rel. *Williamson*, 316 U.S. 535 (1942); *Griffin* v. *Illinois*, 351 U.S. 12 (1956); *NAACP* v. *Alabama*, 357 U.S. 449 (1958); *Griswold* v. *Connecticut*, 381 U.S. 479 (1965); *Harper* v. *Virginia Board of Elections*, 383 U.S. 663 (1966); *Levy* v. *Louisiana*, 391 U.S. 68 (1968); *Shapiro* v. *Thompson*, 394 U.S. 618 (1969); *Eisenstadt* v. *Baird*, 405 U.S. 438 (1972).

[6] C. Reich, "The New Property," *Yale Law Journal*, 73 (1964), 733. See generally T. Yarbrough, "Justices Black and Douglas: The Judicial Function and the Scope of Constitutional Liberties," *Duke Law Journal* (1973), 441; K. Karst, "Invidious Discrimination: Justice Douglas and the Return of the 'Natural-Law-Due-Process Formula,'" *UCLA Law Review*, 16 (1969), 716.

[7] R. McCloskey, *The Modern Supreme Court* (Cambridge, Mass., 1973), p. 10.

[8] See generally G. Dietze, *In Defense of Property* (Chicago, 1963).

[9] See F. Maitland, *The Constitutional History of England* (Cambridge, England, 1908), and F. Maitland, *The Forms of Action at Common Law* (Cambridge, England, 1909).

[10] See generally L. Sargent, *Contemporary Political Ideologies* (Homewood, Ill., 1970), chaps. 3, 7.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

American Constitution were sensitive to the proposition that control of a man's property amounted to control of his liberty.[11]

The primary bulwark for the protection of private property in America was to be the Supreme Court. "The protection of property, which was accomplished in France and Germany mainly through legislation, was effected in America by means of adjudication."[12] While one need not endorse Beard's thesis of the origins of the Constitution, there can be no doubt that one of the motive forces behind its adoption was a desire to protect property,[13] and during the first half of the nineteenth century Chief Justices Marshall and Taney successfully endeavored to carry out the framers' mandate.[14] Primarily this was done through the interpretation of the contract clause.[15] But, "extended as the application of the contract clause was, it was not unlimited."[16] Property was a value to be protected by the Court, but it was not the *only* value. Such was not to be the case in the next era of judicial creativity.

It is possible, in fact, to contend that it was not Stone in *Carolene Products* who introduced the Supreme Court to the notion that property rights were separable from other forms of liberty but rather that it was the justices of the latter half of the nineteenth century who equated due process of law with laissez-faire economics. In the jurisprudence of the age of enterprise, property came to have a mystical, quasi-religious character.[17] It was elevated to a place of primacy in the pantheon of constitutional values and then defended through a substantive reading of the due process clauses of the Fifth and Fourteenth Amendments.[18] This reinterpretation of the content of due process marked a departure of considerable consequence. Property became an absolute value, superior to all other legal and political values, different from all other values pro-

[11] E.g., "Property must be secured, or liberty cannot exist." J. Adams, "Discourses on Davila (1789–90)," in P. Freund, *The Supreme Court of the United States* (Cleveland, 1962), p. 35. See generally P. Eidelberg, *The Philosophy of the American Constitution* (New York, 1968).

[12] Dietze, *In Defense of Property*, p. 78.

[13] See generally ibid; Eidelberg, *Philosophy of the American Constitution.*

[14] See, e.g., *Fletcher* v. *Peck*, 6 Cranch 87 (1810); *McCulloch* v. *Maryland*, 4 Wheaton 316 (1819); *Dartmouth College* v. *Woodward*, 4 Wheaton 518 (1819); *Bronson* v. *Kinzie*, 1 Howard 311 (1843).

[15] See generally B. Wright, *The Contract Clause* (Cambridge, Mass., 1938).

[16] Dietze, *In Defense of Property*, p. 81.

[17] See generally R. McCloskey, *American Conservatism in the Age of Enterprise 1865–1910* (Cambridge, Mass., 1951).

[18] See, e.g., *Allgeyer* v. *Louisiana*, 165 U.S. 578 (1897); *Adair* v. *United States*, 208 U.S. 161 (1908); *Coppage* v. *Kansas*, 236 U.S. 1 (1915); *Adkins* v. *Children's Hospital*, 261 U.S. 525 (1923).

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tected by the Constitution, not subject to adjustment or modification in the light of changed social or economic circumstances.[19]

The result of the collision between this judicial philosophy and the social, economic, and political realities of the Great Depression is an oft-told story needless of repetition.[20] Suffice it to say that after a paroxysm of resistance,[21] the Court capitulated to the New Deal.[22] But, significantly, the behavior of the "nine old men" during the period of 1935–1937 provoked a disgust on the part of political liberals which resulted in a judicial reaction once Franklin Roosevelt was able to appoint his own adherents to the bench. Arguably, Stone did not introduce the double standard; it was already an implicit constitutional doctrine by 1937. In *Carolene Products* he merely stood that doctrine on its head.

The *Carolene Products* case involved a relatively mundane exercise of congressional regulatory power, the Filled Milk Act of 1923.[23] This statute prohibited the transportation in interstate commerce of "filled milk," defined as any milk, cream, or skim milk, whether or not condensed or dried, to which had been added any fat or oil other than milk fat. The resulting product was congressionally declared to be "an adulterated article of food, injurious to the public health. . . ." Carolene Products Company, indicted under the act for shipping interstate certain packages of an article described in the indictment as a compound of condensed skim milk and coconut oil, challenged the act as exceeding congressional power to regulate interstate commerce and as being inconsistent with due process of law. The Court dismissed both contentions. Addressing himself to the purpose and legitimacy of Congress' characterization of "filled milk" as unhealthful and fraudulent, Mr. Justice Stone observed that there was no

[19] The problem, in other words, would seem to be not the protection of property through the judicial process but its elevation to the status of absolute. See also Yarbrough, "Justices Black and Douglas," p. 464. Indeed, the whole history of the Supreme Court stands for the proposition that no constitutional value is or can be an absolute. Today, of course, there are some who, despite this lesson, still argue for the elevation of values other than property to the lofty plane of the absolute. But see W. Mendelson, "On the Meaning of the First Amendment: Absolutes in the Balance," *California Law Review*, 50 (1962), 821, and "The First Amendment and the Judicial Process: A Reply to Mr. Frantz," *Vanderbilt Law Review*, 17 (1964), 4.

[20] See generally A. Cope and F. Krinsky (eds.), *Franklin D. Roosevelt and the Supreme Court* (Lexington, Mass., 1969); A. Mason, *The Supreme Court from Taft to Warren* (Baton Rouge, La., 1958), chap. 3.

[21] E.g., *Schechter Bros.* v. *United States* 295 U.S. 495 (1935); *United States* v. *Butler*, 297 U.S. 1 (1936); *Carter* v. *Carter Coal Co.*, 298 U.S. 238 (1936).

[22] E.g., *West Coast Hotel* v. *Parrish*, 300 U.S. 379 (1937); *N.L.R.B.* v. *Jones and Laughlin Steel Corp.*, 301 U.S. 1 (1937); *United States* v. *Darby*, 312 U.S. 100 (1941).

[23] 21 U.S.C. §§ 61–63.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

need to consider it here as more than a declaration of the legislative findings deemed to support and justify the action taken as a constitutional exertion of the legislative power, aiding informed judicial review, as do the reports of legislative committees, by revealing the rationale of the legislation. Even in the absence of such aids *the existence of facts supporting the legislative judgment is to be presumed, for regulatory legislation affecting ordinary commercial transactions is not to be pronounced unconstitutional unless in the facts made known or generally assumed it is of such a character as to preclude the assumption that it rests upon some rational basis* within the knowledge and experience of the legislators.[24]

Having thus stated the standard for judicial review of "regulatory legislation affecting ordinary commercial transactions," Stone then attached his famous fourth footnote:

> There may be narrower scope for operation of the presumption of constitutionality when legislation appears on its face to be within a specific prohibition of the Constitution, such as those of the first ten amendments, which are deemed equally specific when held to be embraced within the Fourteenth . . .
>
> It is unnecessary to consider now whether legislation which restricts those political processes which can ordinarily be expected to bring out repeal of undesirable legislation, is to be subjected to more exacting judicial scrutiny under the general prohibitions of the Fourteenth Amendment than are most other types of legislation. . . .
>
> Nor need we inquire whether similar considerations enter into the review of statutes directed at particular religious, . . . or national, . . . or racial minorities . . . ; whether prejudice against discrete and insular minorities may be a special condition, which tends seriously to curtail the operation of those political processes ordinarily to be relied upon to protect minorities, and which may call for a correspondingly more searching judicial inquiry. . . .[25]

While it was and is not free of ambiguity, Stone's enunciation of the doctrine of the double standard suggests three interrelated propositions. The first would appear to be that the presumption of constitutionality which normally attaches to legislation is to be restricted, perhaps even abandoned, if a statute facially falls within the purview of a Bill of Rights guarantee. When a value protected by one of the first ten amendments is threatened by legislation, it is the value that commands judicial respect; when it is property that is threatened, it is the legislative judgment that commands judicial respect. In his second paragraph, Stone implies that legislation affecting "those political processes" basic to a democratic system are also to be subjected to more rigorous judicial inquiry than is legislation affecting economic processes. Third, Stone leaves open the suggestion that small and often unpopular groups are to be the par-

[24] 304 U.S. at 152 (emphasis added).
[25] Ibid. at 152–153, n. 4.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ticular constituency of the judiciary. Unlike economic interests, these "religious . . . national . . . or racial minorities" may expect to enjoy special judicial protection.

Subsequent cases revealed that Stone himself had intended only to elevate the First Amendment's protections to a "perferred position."[26] But Footnote Four's adumbration of the double standard spoke of the entire Bill of Rights; and Stone's "colleagues Black, Douglas, Murphy, and [most extremely] Rutledge interpreted the admonition as being all inclusive, and their opinion frequently prevailed during their joint tenure on the Court between 1943 and 1949—sometimes gaining Jackson's vote, occasionally even Frankfurter's or Reed's. Thus at least five votes to carry the day were frequently available, and a series of memorable decisions was made in behalf of the new concept."[27] The Court, not content to stop there, also liberalized its interpretations of the content of the Bill of Rights prohibitions,[28] even to the point of creating new, albeit implicit, constitutional freedoms.[29]

At the same time, with respect to economic regulatory legislation, the Court more than lowered its sights; it gave up the hunt all together. Retreating to a "hands-off" attitude in the field of commercial regulation, the Court was willing to postulate virtually any set of facts, no matter how improbable, which would satisfy the standard of rationality.[30] Within three years of Justice Stone's announcement of the double standard, the Court issued its opinion in *Olsen* v. *Nebraska*.[31] Dealing with state regulation of employment agencies, the case evoked memories of *Ribnick* v. *McBride* and the doctrine of "business affected with a public interest."[32] But, speaking for the Court in *Olsen*, Mr. Justice Douglas went beyond a mere repudiation of *Ribnick* to take the position that issues of business and economics were no longer meet for judicial decision. Douglas rejected even the requirement that the state make a case which would reasonably justify the regulation. In the area of economic regula-

[26] See e.g., *Jones* v. *Opelika*, 316 U.S. 584, 608 (1942) (Stone, C. J. dissenting). See also Mason, *The Supreme Court from Taft to Warren*, pp. 143–146.

[27] H. Abraham, *Freedom and the Court* (New York, 1967), p. 15 (footnotes omitted).

[28] E.g., *Johnson* v. *Zerbst*, 304 U.S. 458 (1938); *Miranda* v. *Arizona*, 384 U.S. 436 (1966); *Katz* v. *United States*, 389 U.S. 347 (1967); *Chimel* v. *California*, 395 U.S. 752 (1969); *Furman* v. *Georgia*, 408 U.S. 238 (1972).

[29] E.g., *NAACP* v. *Alabama*, 357 U.S. 449 (1958); *Griswold* v. *Connecticut*, 381 U.S. 479 (1965); *Shapiro* v. *Thompson*, 394 U.S. 618 (1969); *Eisenstadt* v. *Baird*, 405 U.S. 438 (1972); *Roe* v. *Wade*, 410 U.S. 113 (1973).

[30] See e.g., *Kotch* v. *Board of River Port Pilot Commissioners*, 330 U.S. 552 (1947); *Goesaert* v. *Cleary*, 335 U.S. 464 (1948); *Railway Express Agency, Inc.* v. *New York*, 336 U.S. 106 (1949).

[31] 313 U.S. 236 (1941).

[32] 277 U.S. 350 (1928).

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tion, the presumption of constitutionality had become virtually unrebuttable.

Perhaps the zenith was reached in *Ferguson* v. *Skrupa*, sustaining a Kansas statute making it a misdemeanor to engage in the business of debt adjusting except as incident to the practice of law.[33] For the Court, Mr. Justice Black acknowledged that, in the past, the justices had used the due process clause to invalidate legislation which they thought unreasonable or unwise. But that practice, he asserted, had long since ceased.

> Unquestionably, there are arguments showing that the business of debt adjusting has social utility, but such arguments are properly addressed to the legislature, not to us. . . . Whether the legislature takes for its textbook Adam Smith, Herbert Spencer, Lord Keynes, or some other is no concern of ours.[34]

Ferguson, moreover, made clear that, despite the counsel of some commentators, the Court's abandonment of property interests was not simply a function of due process litigation. Neither the equal protection clause nor other portion of the Constitution would be used to protect economic rights from legislative experimentation.[35]

Following *Carolene Products*, then, what the Supreme Court had done was to assume, virtually beyond refutation, the constitutionality of regulatory legislation in the realm of property but to view legislative efforts in the area of "personal" rights with extreme suspicion. "Just why property itself was not a 'personal right,' " observed Judge Learned Hand, "nobody took the time to explain."[36] Nor, in the decade and a half since Hand's observation, have the justices yet taken that time. Instead, they have remained silent as to the underlying rationale for their total surrender of this area of policy making to the legislative and executive branches of government.[37]

[33] 372 U.S. 726 (1963).

[34] Ibid. at 731–732.

[35] See, e.g., *Kotch* v. *Board of River Port Pilot Commissioners*, 330 U.S. 552 (1947); *Goesaert* v. *Cleary*, 335 U.S. 464 (1948); *Lehnhausen* v. *Lake Shore Auto Parts Co.*, 410 U.S. 356 (1973).

[36] Hand, "Chief Justice Stone's Concept of the Judicial Function," in I. Dillard (ed.), *The Spirit of Liberty*, 3d ed. (New York, 1963), pp. 201, 206.

[37] While this judicial taciturnity has created a significant hiatus in modern American constitutional theory, it has left academic observers free to analyze, criticize, and generally speculate about the justifications for the double standard. The classic critique of the double standard is R. McCloskey, "Economic Due Process and the Supreme Court: An Exhumation and Reburial," *Supreme Court Review* (1962), 34; see also G. Gunther and N. Dowling, *Cases and Materials on Constitutional Law*, 8th ed. (Mineola, N. Y., 1970), pp. 838–840, 981–982, 1051–1053; G. Gunther, "In Search of Evolving Doctrine on Changing Court: A Model for a Newer Equal Protection," *Harvard Law Review*, 86 (1972), 1. Among the abler scholarly attempts to construct a coherent ration-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

A lesson from the Court's history was about to be relearned, however. Just as the "Court that had enshrined economic liberty in the Constitution under the due process rubric found it increasingly difficult to maintain that the Due Process Clause did not protect other liberties that men might deem important,"[38] so too the Warren Court discovered it to be ever more difficult to keep property rights separate from personal rights. In real-life regulatory situations, the two kept bumping into each other. One of the earliest expressions of this difficulty came in *Barsky* v. *Board of Regents*, in which the Court's majority sustained the suspension of a physician's license despite fairly strong evidence that the suspension had been motivated by unreasonable and irrelevant political considerations.[39] Labeling the matter "economic," the majority suggested that administrative discretion in such areas was virtually free of any judicially imposed limitation. Mr. Justice Douglas, sounding very much like Stephen J. Field,[40] dissented.

> So far as I know, nothing in a man's political beliefs disables him from setting broken bones or removing ruptured appendixes safely and efficiently. A practicing surgeon is unlikely to uncover many state secrets in the course of his professional activities. . . .
>
> The right to work, I had assumed, was the most precious liberty that man possesses. Man has indeed as much right to work as he has to live, to be free, to own property. . . . To work means to eat. It also means to live. For many it would be better to work in jail, than to sit idle on the curb. The great values of freedom are in the opportunities afforded man to press to new horizons, to pit his strength against the forces of nature, to match skills with his fellow man.[41]

Barksy and subsequent cases,[42] then, illustrated the difficulties of maintaining the double standard's distinctions in a modern America char-

---

ale for the double standard are Mason, *Harlan Fiske Stone*, chap. 31, and *The Supreme Court*, chap. VI; Abraham, *Freedom and the Court*, chap. II; A. Cox, "Constitutional Adjudication and the Promotion of Human Rights," *Harvard Law Review*, 80 (1966), 91; L. Lusky, "Minority Rights and the Public Interest," *Yale Law Journal*, 52 (1942), 18. The essay by Lusky is of particular interest, since it was he, as law clerk to Mr. Justice Stone, who originally drafted Footnote Four of *Carolene Products*. Mason, *Harlan Fiske Stone*, p. 513.

[38] McCloskey, "Economic Due Process and the Supreme Court," p. 56.

[39] 347 U.S. 442 (1954).

[40] See, e.g., *Cummings* v. *Missouri*, 4 Wallace 277 (1867); *Slaughterhouse Cases*, 16 Wallace 36, 83 (1873) (dissenting opinion). See also Yarbrough, "Justices Black and Douglas," p. 448.

[41] 347 U.S. 442, 472, 474, 472.

[42] E.g., *Schware* v. *Board of Bar Examiners*, 353 U.S. 232 (1957).

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

acterized by forms of government largess and economic regulation wholly unlike the problems confronted by the New Deal.

This problem became acute, at least for liberally oriented justices, with the advent of the Great Society and its social programs, coupled with the appearance of the influential—if not always persuasive—work of Professor Charles Reich of the Yale Law School. In two seminal essays, Reich postulated a theoretical argument for the entitlement to welfare, based upon the concept of the "new property."[43] Reich's argument, in brief, begins with the empirical observation that many Americans today receive their incomes either from civil service employment or from businesses which are subsidized by the government because they are thought to perform some function contributory to the general economic welfare.

> As we move toward a welfare state, [government] largess will be an ever more important form of wealth. And largess is a vital link in the relationship between the government and private sides of society.[44]

Reich then proceeds to argue that similarly "the poor are affirmative contributors to today's society, for we are so organized as virtually to compel this sacrifice [of affluence] by a segment of the population."[45] Poverty being an inevitable product of the existing economic structure, public assistance is in effect a government subsidy to compensate the indigent for their systemically necessary low wages or unemployment. Reich's conclusion, then, is a revolutionary challenge.

> If the individual is to survive in a collective society, he must have protection against its ruthless pressures. There must be sanctuaries or enclaves where no majority can reach. To shelter the solitary human spirit does not merely make possible the fulfillment of individuals; it also gives society the power to change, to grow, and to regenerate, and hence to endure. These were the objects which property sought to achieve. . . . Just as the Homestead Act was a deliberate effort to foster individual values at an earlier time, so we must try to build an economic basis for liberty today—a Homestead Act for rootless twentieth-century man. We must create a new property.[46]

It should perhaps be pointed out that the element which distinguishes most other government subsidies—say, to farmers—from welfare is the work ethic, an ethic which Professor Reich in all of his writings has consistently, if discreetly, ignored.[47] But, leaving aside the merits and demerits of the work ethic, it remains true that Reich's subsidy-entitlement

[43] Reich, "The New Property," and C. Reich, "Individual Rights and Social Welfare: The Emerging Legal Issues," *Yale Law Journal*, 74 (1965), 1245.

[44] Reich, "The New Property," p. 778.

[45] Reich, "Individual Rights and Social Welfare," pp. 1245, 1255.

[46] Reich, "The New Property," p. 787.

[47] See N. Dembitz, "The Good of the Child versus the Rights of the Parent: The

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

view of welfare has found some judicial converts,[48] and in *Goldberg* v. *Kelly* a five-man majority gave its qualified endorsement to the "new property."[49] It was qualified because the Court did not go so far as to hold that one had a constitutional right to public assistance, although it did assume that welfare was "property" within the meaning of the due process clause. But, even were the Court to accept the most extreme statements of the "new property" theory, it still must confront the problem presented by the double standard. So long as Footnote Four retains its vitality, equating government largess with property affords it scant constitutional protection.

This was convincingly demonstrated only a fortnight after the *Goldberg* decision in *Dandrige* v. *Williams*.[50] Despite *Goldberg*'s elevation of statutory entitlements to the level of property for purposes of due process analysis, the Court in *Dandridge* upheld the validity of Maryland's maximum welfare grant regulation. To preserve the fiscal integrity of its welfare program, Maryland limited to $250 per month the total amount which any single family might receive under the Aid to Families with Dependent Children program. As a result, large families received welfare assistance which was less than their computed need. The Supreme Court, however, sustained the limitation against constitutional attack. Speaking for the majority, Mr. Justice Stewart concluded that the constitutionality of the Maryland practice should be subjected only to the minimal standards of judicial review traditionally employed in business regulation cases, because the maximum grant regulation was economic in nature. Justice Stewart conceded a "dramatically real factual difference" between the interest in securing adequate welfare assistance and the interests at stake in business regulation, but he could find no difference of constitutional dimension significant enough to warrant a more rigorous judicial scrutiny.[51] In the area of economic regulation, wrote Stewart, "A statutory discrimination will not be set aside if any state of facts reasonably may be conceived to justify it."[52] The justice's conceptual powers being legendary, he experienced no difficulty in finding legitimate state interests to which the maximum grant limit might be rationally related. It might, for example, serve as an incentive to work. Thus, the constitutional validity of the regulation was manifest. Ironically, the double standard had worked to the detriment of judicial liberalism.

Supreme Court Upholds the Welfare Home-Visit," *Political Science Quarterly*, 86 (1971), 389, 401.

[48] E.g., *Wyman* v. *James*, 400 U.S. 309, 326 n. 1 (1971) (Douglas, J., dissenting).

[49] 397 U.S. 254 (1970).

[50] 397 U.S. 471 (1970).

[51] Ibid. at 485.

[52] Ibid., quoting *McGowan* v. *Maryland*, 366 U.S. 420, 426 (1961).

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Dissenting, Mr. Justice Marshall, joined by Mr. Justice Brennan, could only rage impotently against it.

Dandridge, thus, demonstrated that the double standard need not be a judicial sword with a single ideological cutting edge, nor could it be easily cabined. Originally developed to control judicial excesses in the interpretation of what constituted "due process of law,"[53] the double standard became intimately involved with the two-level approach to the equal protection clause developed by the Warren Court. "Indeed, the wide gap between the two levels of equal protection inquiry during the Warren era can be viewed in part as a specific manifestation of the overarching liberty-property dichotomy. It was the minimal concern for property, for example, that bred the old equal protection's deferential attitude toward regulation of economic affairs."[54] Interpretation of the equal protection clause no less than litigation involving the due-process clause confronts the Supreme Court with the difficult problem of reconciling the constitutional restrictions with the competing notion, fostered to a large extent by the Supreme Court itself, that in the American political system it is the legislative and executive branches of government, not the judicial, which should be responsible for deciding who gets what, when, and how. The double standard was fashioned to effect that reconciliation without the sacrifice of "liberal" values, and the Warren Court further advanced that cause through the creation of two quite different standards of equal protection review.[55] According to this Warren Court scheme of analysis, statutory classifications involving inherently suspect categories or touching fundamental interests were to be subject to strict or active review; to be valid, the statute must advance some compelling state interest.[56] On the other hand, classifications not involving suspect categories or fundamental interests were to be subject to a minimal or passive review; to be valid, the statute need only be rationally related to some legitimate state interest.[57] Under this traditional standard of equal protection review, legislatures were constitutionally prohibited only from adopting palpably arbitrary classifications or ones which bore no conceivably possible rational relation to a permissible state objective. But, under the more rigorous scrutiny of the "new" equal protection, mere rationality was insufficient to sustain the legislation. The classification

[53] E.g., *Lochner* v. *New York*, 198 U.S. 45 (1908); *Adkins* v. *Children's Hospital*, 261 U.S. 525 (1923).

[54] Gunther, "In Search of Evolving Doctrine on a Changing Court," p. 37.

[55] See "Developments in the Law—Equal Protection," *Harvard Law Review*, 82 (1969), 1065.

[56] See, e.g., *McLaughlin* v. *Florida*, 379 U.S. 184 (1964); *Shapiro* v. *Thompson*, 394 U.S. 618 (1969).

[57] See, e.g., *McGowan* v. *Maryland*, 366 U.S. 420 (1961).

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

must bear a definite and close relationship to a state interest which is not simply legitimate but is compelling.

Some have criticized this mode of equal protection analysis as fundamentally no different than the decision-making behavior of the laissez-faire Court,[58] and, indeed, "*the Warren Court never found a state measure to be sufficiently compelling to override anything it deemed fundamental!*"[59] But, for present purposes, the significant aspect of *Dandridge* v. *Williams* is its assumption of the validity of this two-level approach to equal protection review. It does not reject strict review but limits it to those classifications involving a "constitutionally protected freedom" or "infected with a racially discriminatory purpose or effect."[60] All other classifications are of a "social and economic nature" and, thus, subject only to traditional, restrained review.[61]

In case anyone had missed the point in *Dandridge*, the Court reiterated its intention to accord only minimal review to wealth-based classifications in *James* v. *Valtierra*,[62] sustaining the constitutionality of Article 34 of the California State Constitution requiring mandatory referenda in any self-governing subdivision of the state to approve the construction of federally financed low-income housing, even though such projects had already been authorized by the local governing body. While conceding that Article 34 operated to disadvantage the California poor by subjecting programs designed to benefit only the indigent to the special burden of a voter referendum, the Court declined to find that lines drawn on the basis of wealth warranted strict judicial scrutiny. Since Article 34 bore a rational relationship to a legitimate state interest, ensuring local decision-making control, it withstood constitutional attack; any disadvantage suffered by the poor was an unfortunate, but not unconstitutional, result of California's "devotion to democracy."

Taken together, the Court's decisions in *Dandridge* v. *Williams* and *James* v. *Valtierra* preclude strict equal protection review of discriminatory classifications in "the area of economics and social welfare."[63] This position, related to if not explicitly derived from the double standard,

[58] E.g., P. Kurland, *Politics, the Constitution, and the Warren Court*, (Chicago, 1970), chaps. 4, 5; W. Mendelson, "From Warren to Burger: The Rise and Decline of Substantive Equal Protection," *American Political Science Review*, 66 (1972), 1226. Others, however, have praised such a development; see Karst, "Invidious Discrimination." But see W. Douglas, "Some Dicta on Discrimination," *Loyola (L.A.) Law Review*, 3 (1970), 207, 210 (denying that any such doctrinal development has or will come to pass).

[59] Mendelson, "From Warren to Burger," p. 1227 (emphasis in the original).

[60] 397 U.S. at 484 nn. 16 and 17.

[61] Ibid. at 485.

[62] 402 U.S. 137 (1971).

[63] 397 U.S. at 485.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

was reinforced by the Court's recent decision in the "school tax" case, *San Antonio Independent School District* v. *Rodriguez*, approving the use of local property taxes to finance, in part, public education, even though such a financing scheme results in disparities in per-pupil expenditures across school districts.[64] Taxation, particularly property taxation, and revenue allocation measures are clearly matters related to economics and property regulation, and Mr. Justice Powell's "hands-off" approach to the *Rodriguez* majority is reminiscent of the heyday of the double standard. While conceding the importance of education, Justice Powell found no "fundamental" right to be involved and, noting the delicate and difficult nature of the questions presented—questions beyond the appropriate expertise of the judiciary—concluded that the proper standard of review was the rational basis test. Since the property tax system of financing public education bore a rational relation to the legitimate state interest in local participation and control, it was constitutionally valid.

Unquestionably, *Dandrige*, *Valtierra*, and *Rodriguez*, as well as other decisions,[65] manifest a trend on the part of the Burger Court to limit the ambit of the substantive equal protectionism of the Warren Court. The Court's approach to defining those interests entitled to special judicial protection is strongly reminiscent of Mr. Justice Black's approach to the Fourteenth Amendment's due process clause,[66] according to which only those rights *expressly* guaranteed elsewhere in the Constitution were to be "incorporated" into the concept of due process. Thus, in its effort to confine the scope of both judicial power and judicial responsibility, *Dandridge* limited strict equal protection review to cases involving racial classifications or constitutional freedoms, and language in *Valtierra* and *Rodriguez* echoes these sentiments. But there exists a substantial body of strict review precedent—including the voting rights and criminal appeals cases—which acknowledges that personal rights, though perhaps not expressly guaranteed by the Constitution, deserve special judicial protection.[67]

Given the existence of this body of precedent, *Dandridge* and its progeny can be read consistently with these decisions only as resting upon one of two propositions. First, the Burger Court may be expressing the view that the Warren Court erred in extending active equal protection re-

[64] 411 U.S. 1 (1973).

[65] E.g., *Graham* v. *Richardson*, 402 U.S. 365 (1971); *Lindsey* v. *Normet*, 405 U.S. 56 (1972); *Ortwein v. Schwab*, 410 U.S. 656 (1973).

[66] See *Adamson* v. *California*, 332 U.S. 46, 68 (1947) (Black, J., dissenting).

[67] See, e.g., *Griffin* v. *Illinois*, 351 U.S. 12 (1961); *Reynolds* v. *Sims*, 377 U.S. 533 (1964); *Harper* v. *Virginia Board of Elections*, 383 U.S. 663 (1966); *Levy* v. *Louisiana*, 391 U.S. 68 (1968); *Shapiro* v. *Thompson*, 394 U.S. 618 (1969).

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

view to interests not specifically protected by the Constitution. Some, indeed, have cogently argued that this is the course which the new justices have set for themselves.[68] If such is the case, it need only be pointed out that, like Justice Black's "incorporation" theory, it is an inadequate tool for confining judicial policy making,[69] resting as it does upon an illusory constitutional specificity. But such is not necessarily the case, for the argument that the Burger Court is limiting strict scrutiny to cases involving either race or "specific" constitutional freedoms ignores the fact that the Burger Court itself has employed active equal protection review in cases involving neither[70] and in *Rodriguez*, while denying the applicability of the "compelling state interest" doctrine to property taxation, Mr. Justice Powell speaks of strict judicial scrutiny as being appropriate to preserve fundamental liberties "explicitly or *implicitly* guaranteed by the Constitution."[71] Thus, a second explanation reconciling these two apparently conflicting lines of precedent would be that the Burger Court, although it has not explicitly undertaken the task, believes voting,[72] criminal appeals,[73] and interstate travel[74] to be constitutionally distinguishable from welfare,[75] housing,[76] and education.[77] The answer to where the Court could possibly find such a constitutional distinction lies in Footnote Four of *Carolene Products*.

These policy consequences, enraging to liberal sensibilities, have occasioned a liberal reexamination of the double standard, both on and off the bench. Thus, the *Harvard Law Review* has recently criticized the perpetuation of an "arbitrary division in equal protection adjudication between wealth discriminations with respect to interests which may be deemed fundamental and call for strict scrutiny, and all other, which receive only perfunctory review under the rational basis test. . . . [C]laims brought by the poor under the equal protection clause cannot easily be divided into those which do and those which do not affect fundamental interests."[78]

[68] See *Harvard Law Review*, 84 (1970), 65–70.

[69] See, e.g., *Griswold* v. *Connecticut*, 381 U.S. 479 (1965); *Miranda* v. *Arizona*, 384 U.S. 436 (1966).

[70] See, e.g., *Evans* v. *Cornman*, 398 U.S. 419 (1970); *Phoenix* v. *Kolodziejski*, 399 U.S. 204 (1970); *Williams* v. *Illinois*, 399 U.S. 235 (1970); *Dunn* v. *Blumstein*, 405 U.S. 330 (1972).

[71] 411 U.S. at 33–34 (emphasis added).

[72] See *Hadley* v. *Junior College Dist.*, 397 U.S. 50 (1970).

[73] See *Williams* v. *Illinois*, 399 U.S. 235 (1970).

[74] See *Dunn* v. *Blumstein*, 405 U.S. 330 (1972).

[75] See *Dandridge* v. *Williams*, 397 U.S. 471 (1970).

[76] See *James* v. *Valtierra*, 402 U.S. 137 (1971); *Lindsey* v. *Normet*, 405 U.S. 56 (1972).

[77] See *San Antonio Independent School Dist.* v. *Rodriguez*, 411 U.S. 1 (1973).

[78] *Harvard Law Review*, 85 (1972), 1049, 1055.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Perhaps more significantly, some of the Court's own recent holdings or expressions of opinion have evidenced a renewed concern for interests in property as well as liberty. The most careful articulation of this "remarkable shift in the mood that has prevailed since 1937"[79] occurred in *Lynch* v. *Household Finance Corp.*,[80] dealing with the scope of the federal courts' jurisdiction under section 1343(3) of Title 28 of the United States Code. Section 1343(3) grants jurisdiction to the federal judiciary over civil suits instituted to remedy violations of constitutional rights or federal statutory guarantees designed to protect the equal rights of citizens. In *Hague* v. *C.I.O.*,[81] none other than the author of the double standard himself, Mr. Justice Harlan Fiske Stone, had suggested that 1343(3) be interpreted as conferring federal court jurisdiction in those cases in which the plaintiff claimed deprivation of a right "of personal liberty not dependent for its existence upon the infringement of property rights."[82] Justice Stone's distinction between personal liberty and property rights for jurisdictional purposes was never explicitly endorsed by the Supreme Court. But it was adopted by several lower federal courts.[83] and the Court did appear to have tacitly approved this development by affirming, without opinion, two decisions in which the personal liberty-property rights distinction had been unsuccessfully contested.[84] In *Lynch*, however, the Court unanimously rejected Stone's test.

Having had her credit union savings account garnished by Household Finance Corporation, Mrs. Dorothy Lynch filed suit, claiming that the Connecticut law authorizing summary pre-judicial garnishment at the behest of the creditor violated her rights secured by the Fourteenth Amendment. The federal district court, relying upon the personal liberty-property rights distinction, dismissed the suit for want of jurisdiction. Mrs. Lynch's right to the use of her savings account, observed the court, "has to do almost entirely with the loss of money; it involves, at most, only an incidental deprivation of personal rights in the sense of liberty."[85]

Although he had used strikingly similar language in *Dandridge*, Mr. Justice Stewart, for the Supreme Court, reversed the district court's ruling,

[79] Gunther, "In Search of Evolving Doctrine on a Changing Court," p. 37.

[80] 405 U.S. 538 (1972).

[81] 307 U.S. 496 (1939).

[82] Ibid. at 531 (Stone, J., concurring). See generally Mason, *Harlan Fiske Stone*, p. 517.

[83] See, e.g., *Weddle* v. *Director, Patuxent Inst'n.* 436 F.2d 342 (4th Cir. 1970), *vacated*, 405 U.S. 1036 (1972); *National Land & Inv. Co.* v. *Specter*, 428 F.2d 91 (3d Cir. 1970) (alternate ground); *Eisen* v. *Eastman*, 421 F.2d 560 (2d Cir. 1969), *cert. denied*, 400 U.S. 841 (1970); *McManigal* v. *Simon*, 382 F.2d 408 (7th Cir. 1967), *cert. denied*, 390 U.S. 980 (1968).

[84] *Hornbeck* v. *Hamm*, 393 U.S. 9 (1968), *aff'g per curiam* 283 F. Supp. 549 (M.D. Ala. 1968); *Alterman Transport Lines, Inc.* v. *Public Service Comm'n*, 386 U.S. 262 (1967), *aff'g per curiam* 259 F. Supp. 486 (M.D. Tenn. 1966).

[85] *Lynch* v. *Household Finance Corp.*, 318 F. Supp. 1111, 1114 (D. Conn. 1970).

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

explicitly rejecting the personal liberty-property rights distinction as a guide to determining the ambit of section 1343(3) jurisdiction. Relying upon the language of the statute and the history of its passage, Stewart was careful to emphasize that, in rejecting Stone's distinction, the Court was doing no more than reaffirming the intent of Congress to protect property as well as personal rights. But he went beyond the confines of statutory interpretation to reject the Stone test on a more general ground, the practical difficulties inherent in judicial attempts to draw distinctions between property rights and personal liberties. Using "language of a tenor rarely seen in the Court reports of the last 35 years,"[86] Mr. Justice Stewart, significantly joined by the liberal justices Douglas, Brennan, and Marshall, suggested that Stone's distinction was impossible to maintain:

> [T]he dichotomy between personal liberties and property rights is a false one. Property does not have rights. People have rights. The right to enjoy property without unlawful deprivation, no less than the right to speak or the right to travel, is in truth a "personal" right, whether the "property" in question be a welfare check, a home, or a savings account. In fact, a fundamental interdependence exists between the personal right to liberty and the personal right in property. Neither could have meaning without the other.[87]

Lynch will at the very least expand the jurisdiction of federal courts to a large variety of suits involving consumer protection, public employment, state licensing practices, public housing, and welfare. But Mr. Justice Stewart's sweeping language (dicta?) resurrecting property rights, though a matter of statutory interpretation, may have significance for the Court's constitutional exigesis as well. Mr. Justice Stone formulated the double standard in *Carolene Products* to guide the Court in its constitutional interpretation, but a year later in *Hague* he borrowed the distinction in order to "illuminate" a statute. Having rejected the distinction in the statutory field, the Court may now emulate Stone, in reverse order, and carry its rejection over into constitutional law.

That such a movement is afoot is suggested further by the Court's decision in *Fuentes* v. *Shevin*, holding that the long-established procedure of replevin violated the due process clause.[88] Under this practice, the states authorized by statute the seizure of property by state officials, without a prior hearing, upon the simple application of any person claiming a right to possession of the property. In modern usage, replevin has been most commonly invoked by creditors to repossess tangible goods purchased under installment sales contracts. In *Sniadach* v. *Family Finance Corp.*, the Court had ruled that, absent notice and prior hearing, prejudg-

[86] Gunther, "In Search of Evolving Doctrine on a Changing Court," p. 38.
[87] 405 U.S. at 552.
[88] 407 U.S. 67 (1972).

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ment wage garnishment procedures were violative of fundamental due process.[89] But Mr. Justice Douglas, writing for the Court, had stressed the significant hardships imposed upon low-income debtors by wage garnishings. *Sniadach*, thus, left unclear the constitutional status of property seizures having less severe consequences than the deprivation of wages. In *Fuentes*, however, Justices Stewart, Marshall, Brennan, and Douglas, again speaking through Mr. Justice Stewart, rejected any notion that the due process requirement of a prior hearing was dependent upon the gravity of the deprivation suffered. "The Fourteenth Amendment," noted Stewart, "speaks of 'property' generally. And, under our free enterprise system, an individual's choices in the marketplace are respected. . . . It is not the business of a court adjudicating due process rights to make its own critical evaluation of those choices and protect only ones that, by its own lights, are 'necessary.' "[90]

Creditors holding installment contracts for which the goods themselves are security might, of course, argue that the result of *Fuentes* is to deny them due process. After all, they too have a property interest in the goods, and that interest is significantly diminished by the absence of replevin. But, in evaluating such a claim, it must be remembered that the Fourteenth Amendment protects only against deprivations of property without due process of law which are the result of "state action." Under replevin procedures, the state places its authority and its officers on the side of the creditor. In the absence of replevin, on the other hand, the creditor's diminished property interest is the result not of state action but of state inaction.

Closely related to the Court's heightened sensitivity to property claims, then, is its rejection of the doctrine of affirmative state duty. Indeed, in both *Lloyd Corp., Ltd.* v. *Tanner*[91] and *Moose Lodge No. 107* v. *Irvis*,[92] the contemporary Court upheld private property interests against First Amendment and equal protection claims, respectively—claims which an earlier Court might have viewed with greater solicitude.[93] In *Moose Lodge*, a six-man majority found that the grant of a state liquor license, coupled with the consequent state regulation of the grantee, to a private club which practiced racial discrimination in the exercise of

[89] 395 U.S. 337 (1969).

[90] 407 U.S. at 89–90.

[91] 407 U.S. 551 (1972); see also *Central Hardware Co.* v. *N.L.R.B.*, 407 U.S. 539 (1972).

[92] 407 U.S. 163 (1972).

[93] E.g., compare *Lloyd Corp., Ltd.* v. *Tanner*, 407 U.S. 551 (1972), with *Amalgamated Food Employees Local 590* v. *Logan Valley Plaza, Inc.*, 391 U.S. 308 (1968). Compare *Moose Lodge No. 107* v. *Irvis*, 407 U.S. 163 (1972), with *Reitman* v. *Mulkey*, 387 U.S. 369 (1967).

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

its license did not involve sufficient state action to invoke the equal protection clause. Despite the existence of "plausible opportunities to identify the challenged conduct as state action,"[94] the Court declined to avail itself of them and allowed the private, fraternal organization to continue its discriminatory practices. This may indicate that "the expansion of the equal protection clause, which has taken place over the last decade, has come to a halt"[95] or that privacy is becoming a more important constitutional value than equality.[96] If the latter, it may have significant implications for the continued vitality of the double standard, because the possession of property is one of the more significant means for the protection of privacy vis-à-vis either other individuals or the state. Similarly, in *Lloyd* the Court limited earlier precedents concerning First Amendment protection for expressive activities conducted on private property.[97] Tanner and others had sought to distribute handbills advertising an antiwar protest rally on the premises of a shopping center owned and operated by the Lloyd Corporation. Asked by Lloyd's security guards to leave or suffer arrest for trespassing, the group did so, but then filed suit challenging the constitutionality of Lloyd's actions. Emphasizing the weight which must be accorded private property rights, Mr. Justice Powell refused to find that the Lloyd Corporation was required to open its premises to the exercise of First Amendment rights not directed toward the "use to which the . . . property was being put."[98] In fact, Justice Powell went so far as to invoke the Fifth Amendment's prohibitions against the deprivation of property without due process of law and the taking of property without just compensation, apparently meaning to convey that in some instances the state may actually be prohibited from taking affirmative action to require public access to private property for the exercise of expressive freedoms.[99]

[94] *Harvard Law Review*, 86 (1972), 75.

[95] Ibid.

[96] See, e.g., *Eisenstadt* v. *Baird*, 405 U.S. 438 (1972) (right to use and distribute contraceptives).

[97] *Marsh* v. *Alabama*, 326 U.S. 501 (1946); *Amalgamated Food Employees Local 590* v. *Logan Valley Plaza, Inc.*, 391 U.S. 308 (1968).

[98] 391 U.S. at 319–20 n. 9. Mr. Justice Powell was, thus, able to distinguish *Logan Valley* on the grounds that the union activity involved there was directed against one of the establishments in the shopping center. *Marsh* was distinguishable on the grounds that, while the religious proselytizing there involved was not directed toward the use to which the property was put, the "company town" was the functional equivalent of public property. By contrast, the public roads and sidewalks surrounding the Lloyd shopping center provided adequate, alternative public forums for the protestors to distribute their handbills.

[99] 407 U.S. at 567.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Toward "Strict Rationality"

Mr. Justice Powell's evocation of the constitutional doctrine of a bygone era notwithstanding, the abandonment of the double standard need not, as a logical matter, mean a judicial resurrection of property rights. Elimination of the double standard would involve only the application of the same standard of judicial review to regulations of "economic" rights as to regulations of "personal" rights. What that standard should be is another matter. The Court could reject the double standard by the devaluation of personal rights as well as by the elevation of economic rights. This could be accomplished by the Court's renunciation of its power to protect civil liberties, similar to the abdication of its role in the economic sphere. But few would find this solution acceptable. On the other hand, judicial activism to protect both property and civil rights would also probably be unacceptable. The experience of 1935–1937 needs no recounting, and future analyses may conclude that the Warren Court's militant civil libertarianism in the face of popular and legislative resistance was equally quixotic. But a middle position—dealing with property rights and personal rights on a level of parity, modestly interventionist, while recognizing that ultimate political power and, thus, ultimate policy choice rests with the elective branches in American government—is possible.[100]

The tradition of judicial restraint is a great and honorable one. Its conception of the function of the Supreme Court is most strongly and succinctly put in a remark by Mr. Justice Holmes: "If my country wants to go to hell, I am here to help it."[101] The Court which Holmes knew had intervened in the making of public policy in a manner which, or so Holmes believed, was bad for the country and worse for the Court. The appropriate judicial posture, he prescribed, was one of extreme deference to the people's elected representatives. Given the social and economic realities of the era, virtually all of the Court's cases in which Holmes expressed this view, almost always in dissent, dealt with questions of economic regulation. After the political realignment of the New Deal brought his disciples to the bench, they were willing to endorse the master's teachings, and the Court withdrew from the economic field. But a majority of these justices were unable to adopt a consistently restrained attitude in other areas posing questions of policy, such as freedom of expression—thus, the double standard. But the Court could provide no coherent

[100] See Gunther, "In Search of Evolving Doctrine on a Changing Court"; McCloskey, "Economic Due Process and the Supreme Court," pp. 54–59.

[101] As quoted by F. Biddle, *Justice Holmes, Natural Law, and the Supreme Court* (New York, 1961), p. 9.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

justification for its position. It may be that, as Mr. Justice Frankfurter would have it, "the judiciary is prone to misconceive the public good,"[102] but this suggests that judicial withdrawal would be appropriate in more areas than just economic regulation. "So we are left with a judicial policy which rejects supervision over economic matters and asserts supervision over 'personal rights'; and with a rationale, so far as the written opinions go, that might support withdrawal from both fields but does not adequately justify the discrimination between them."[103]

Such a situation is but a judicial reflection of the intellectual problems of modern American liberalism. It has often been observed that the philosophy of the New Deal which has dominated American politics since the Great Depression is the product of conflicting impulses.[104] Thus, the policies fashioned by adherents of this philosophy tend to be impulsive and often conflicting. The constitutional policies of liberal jurisprudence are no exception.[105] Modern judicial policy, like modern social policy, has developed as a series of impulsive responses to ad hoc circumstances rather than as a rationally constructed, coherent body of law. This incremental and pragmatic approach has much to be said for it.[106] But it also possesses the defects of its merits.

> If Jack builds a house without thinking the plan through in advance, he may then justly congratulate himself that he is at least sheltered from the elements while his more deliberative neighbor still shivers. But he should not be surprised if it turns out that the corners are a little awry or that the second bedroom impinges on what he hoped would be an ample living room. He must accommodate himself to the fact that the *ad hoc* decisions of the past may set unforeseen limits on his way of life in the future.[107]

The essential appeal of Mr. Justice Stone's double standard lay in its simplicity. If a right was "inherently incapable of pecuniary valuation," it was a personal right; if it were possible to assign a monetary value to the right, it was a property right.[108] Personal rights were to enjoy active judicial protection; property rights were not. It is not surprising that such a formula has proven to be virtually impossible for the judiciary to apply

[102] *American Federation of Labor* v. *American Sash & Door Co.*, 335 U.S. 538, 544 (1949) (concurring opinion).

[103] McCloskey, "Economic Due Process and the Supreme Court," p. 45.

[104] See K. Dolbeare and P. Dolbeare, *American Ideologies* (New York, 1971), chap. 3; T. Lowi, *The End of Liberalism* (New York, 1969).

[105] See Lowi, *The End of Liberalism*, chap. 5.

[106] See D. Braybrooke and C. Lindblom, *A Strategy of Decision* (New York, 1970); C. Lindblom, "The Science of Muddling Through," *Public Administration Review*, 19 (1959), 79; M. Shapiro, "Stability and Change in Judicial Decision-Making: Incrementalism or Stare Decisis?" *Law in Transition Quarterly*, 2 (1965), 134.

[107] McCloskey, "Economic Due Process and the Supreme Court," p. 34.

[108] *Hague* v. *C.I.O.*, 307 U.S. 496, 530 (1939).

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

when confronted with the complex realities of modern social organization. Obviously, it is possible to assign a monetary value to wages, appliances purchased on credit, welfare benefits, broadcasting licenses, public employment, and other forms of largess. But it is difficult to understand why the personal interests involved in such matters should be subject to unlimited legislative or administrative whim. The problem which the Court has had in applying Justice Stone's test "reflects its conceptual fallacy; it ignores the fundamental interdependence between the right to personal liberty and the individual's right to property."[109]

The difficulties which apologists for the double standard have had in justifying it and which the federal judiciary has experienced in employing it are eloquent evidence of the fact that it was a visceral rather than an intellectual reaction. This may account for why the justices have not successfully explained, have seldom even attempted to explain, why the Old Court's delusions of grandeur warranted complete judicial submission in the economic field, why abuses of power justified rejection of the power itself. This failure to perceive the problem as a matter of degree rather than of kind, this preference for viewing the world in terms of absolutes, is all too familiar to any student of the modern Court.[110] But forcing the vast range of human values into two polar categories "makes it impossible for a court's opinion to reflect subtle gradations and distinctions which cumulatively may have been significant to the court in reaching its result."[111] Since double standard analysis, whether employed in due process or equal protection exegesis, suffers inherently from this need to reach absolute results, attempts to elucidate its rationale have remained strained and unconvincing.

In less than a single decade, the Court moved all the way from the dogmatic economic strictures of one majority to the total economic permissiveness of another, completely ignoring the possibility that it might "establish a halfway house between the extremes, retaining a measure of control over economic legislation but exercising that control with discrimination and self-restraint."[112] Such a "halfway house"

[109] *Harvard Law Review*, 86 (1972), 205.

[110] See, e.g., L. Jaffe, *English and American Judges as Lawmakers* (London, 1969), p. 101: "These hyperbolic images, these appeals to the ultimates of free government, this substitution of wholesale dogmatic assertion for a reasoned consideration of the opposing interests illustrate a disturbing aspect of the activist mentality. It is as if the invoked concepts were completely released from their moorings in the soil either of historic or current reality. The slightest invasion of an interest is confounded with the worst. The most emotive sentiments are evoked by the most trivial occasions. The sense of proportion is forgotten."

[111] *Harvard Law Review*, 87 (1973), 114.

[112] McCloskey, "Economic Due Process and the Supreme Court," p. 41. But cf. Yarbrough, "Justices Black and Douglas," p. 448.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

would entail the equal judicial protection of both personal rights and property rights through the reassertion of the Court's power to invalidate statutes lacking a rational basis. On the one hand, such a reassertion would result in increased protection for personal interests related to property, including the "new property." On the other, it would curtail some, if not all, of the unprincipled judicial governance to which we have become accustomed in the area of civil liberties. The power of the Supreme Court to nullify legislation that is arbitrary, capricious, or irrational rests upon a solid precedential and philosophic basis.[113] Indeed, all that Stone may have meant to convey in *Carolene Products* is that the "rational basis" test should be applied more leniently to economic legislation.[114] He still advanced the assumption that an economic regulation could be successfully challenged by disproving the facts that were supposed to erect the law's rational foundation. But the Court subsequently went beyond Stone, converting the presumption of constitutionality into an impregnable barrier.

This rather extreme form of judicial deference sometimes is justified on the ground that the weighing of economic values is best left to the legislature. In passing the regulatory statute, the people's representatives have considered the contending considerations. But "too often the only assurance that [the legislature] has thought about the issues is the judicial presumption that it has."[115] In the past twenty or thirty years, the Court has seldom conducted any real inquiry into the rationality of legislation affecting property-related interests. Rather, the Court has gone to considerable, sometimes bizarre, lengths to sustain legislation.[116] The contemporary rule of judicial review for regulations of a "social and economic nature" is, as Mr. Justice Stewart stated it in *Dandridge*: "A statutory discrimination will not be set aside if *any state of facts* reasonably may be conceived to justify it."[117] The state need not meet the plaintiff on his own ground, nor need the state even present factual evidence supporting the rationality of its statute. The Supreme Court will, if possible, conceive a state of facts to justify the statute, and the Court has proven imaginative indeed. For example, it was able to sustain Sunday closing laws on the theory that the states involved in the litigation had merely sought

[113] Cf. McCloskey, "Economic Due Process and the Supreme Court," p. 36; Thayer, "The Origin and Scope of the American Doctrine of Constitutional Law," *Harvard Law Review*, 7 (1893), 129.

[114] See Mason, *The Supreme Court from Taft to Warren*, p. 136.

[115] Gunther, "In Search of Evolving Doctrine on a Changing Court," p. 44.

[116] E.g., *Konigsberg* v. *State Bar*, 366 U.S. 36 (1961); in re *Anastaplo*, 366 U.S. 82 (1961); *Cohen* v. *Hurley*, 366 U.S. 117 (1961).

[117] 397 U.S. at 485, quoting *McGowan* v. *Maryland*, 366 U.S. 420, 426 (1961) (emphasis added).

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

to create a uniform day of rest and relaxation. That the states had opted for Sunday, the day of the Christian Sabbath, was a mere coincidence—which strains credulity beyond the breaking point. Surely the Court should attempt to save statutes. But it is another thing to rewrite them.[118]

In *San Antonio Independent School District* v. *Rodriguez*, the Court might not have found it so easy to sustain the local property tax system for financing public education had it employed a modest but real version of the rational basis test.[119] Rather than concentrate upon the question of the fundamentality of education as a constitutionally protected interest for purposes of invoking active equal protection review (and upon finding that it had none dismissing the appellees' case out of hand), the Court might have inquired into the nexus between the state's postulated purpose in employing the local property tax system and its actual effect. The argument that the system allows local school districts to set their budgets so as to reflect their sense of educational priorities is belied by the fact that the poorer districts have no choice; they must tax at the heaviest rate possible in order to provide even a minimal educational program.[120] Only the wealthy school districts enjoy the local financial discretion which is the purported object of the local property tax system. While the insurance of local control and responsibility in the field of educational policy is a legitimate governmental end, it is not achieved by the local property tax financing system. As such, the system cannot be said to be reasonably related to the state's purpose and should be unconstitutional under a strict application of the rational basis test.[121]

Much the same result might have been produced in the *Valtierra* case by the conduct of a real inquiry into the rationality of the public housing referendum requirement. The state may believe that the local electorate should retain control over all municipal land use, an understandable and increasingly attractive policy. Or it may desire to ensure local control only over projects potentially producing significant environmental impact upon the community. Or, at the very least, perhaps California

[118] See *Blount* v. *Rizzi*, 400 U.S. 410, 419 (1971); *United States* v. *Thirty-Seven (37) Photographs*, 402 U.S. 363, 368–69 (1971).

[119] Dissenting, Mr. Justice White did indeed argue that the Texas school financing system bore no rational relation to the alleged purpose of furthering local educational choice, since the property-poor districts were deprived of any meaningful choices. 411 U.S. at 54–55. But cf. *Harvard Law Review*, 87 (1973), 113, n. 50.

[120] See *Serrano* v. *Priest*, 5 Cal. 3d 584, 599–600 (1971). See also *Harvard Law Review*, 85 (1972), 1049, 1052–1057.

[121] See generally J. Coons, W. Clune, and S. Sugarman, "Educational Opportunity: A Workable Constitutional Test for State Financial Structures," *California Law Review*, 57 (1969), 305; H. Shanks, "Equal Education and the Law," *American Scholar*, 39 (1970), 255.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

wishes to subject proposed land uses likely to have an adverse effect upon local expenditures and tax revenues to the rigors of a referendum. But, in the pursuit of any of these legitimate state ends, California's Article 34 is fatally underinclusive. Whatever constitutionally legitimate purpose the state may be pursuing in submitting low-income housing proposals to prior voter referenda, Article 34 is so imprecise as to lack a rational basis.

One need not desire to turn the clock back to the early part of this century in order to suggest that it might be desirable for the Court to play some role in the shaping of public policies touching upon property interests. But that is not the choice which is open to the modern Court. The rational basis of statutes remains a proper subject for judicial scrutiny. Surely the Court should not strike down an arguably rational law, though a majority of the justices may find it unwise or repugnant. But it would not be inappropriate to require that the legislature make some showing that there is a basis for believing the statute to be rational, nor would it be improper for the Court to consider evidence to the contrary.

Whether this reassertion of a limited judicial role in the sphere of social and economic policy would be better carried out through the interpretation of the equal protection clause or under the rubric of due process is a question which can, at this writing, be left open.[122] The judicial distaste for substantive due process may still persist. But the equal protection clause may be used substantively as well to thwart legislative objectives. There is nothing particularly precise or disciplined about the two-level equal protection approach, particularly when untied to constitutional "specifics." The fundamentality of interests or the suspect nature of classifications still turns upon the justices' subjective judgments.

What is called for is not the embracing of a particular constitutional clause nor a return to the abuses of the "nine old men" but the adoption of a means-oriented method of judicial inquiry. The Court's broad and indiscriminate rejection of any constitutional duty to protect property-related interests rests upon the failure to perceive that "the primary evil of the discredited doctrine was the dogmatic judicial intervention regarding ends, not means."[123] Under a standard of "strict rationality,"[124] intermediate between active judicial review and the traditional rationali-

[122] But cf. Gunther, "In Search of Evolving Doctrine on a Changing Court," arguing that due to the judicial "allergy" to substantive due process meaningful means scrutiny is best advocated and most likely to be adopted as a mode of equal protection analysis. Contra L. Tribe, "Toward a Model of Roles in the Due Process of Life and Law," *Harvard Law Review*, 87 (1973), 1 ("substantive due process may yet enjoy an auspicious second coming").

[123] See Gunther, "In Search of Evolving Doctrine on a Changing Court," p. 42.

[124] The term is that of the *Harvard Law Review*, 87 (1973), 123 and n. 11.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ty test, the Court would concentrate on the presence or absence of evidence that the means chosen further the end which the legislature professes to be pursuing. Such a jurisprudential focus would defer to the legislative choice of policy goals but would accord equal protection to both property rights and personal liberties by a scrupulous application of the rational basis test to the means employed. Under strict rationality, thus, wealth-based classifications or property regulations would still be upheld if they could be shown to advance the legislative goal. But the rational basis test would become something other than a shorthand notation for judicial legitimation of legislative choices.

Perhaps such a test of strict rationality is now evolving. *Reed* v. *Reed* invalidated an Idaho statute on facts which suggested the Court might intend to more rigorously apply the rational basis test,[125] and in *Frontiero* v. *Richardson* three justices joined in a brief concurrence filed by Mr. Justice Powell which, while invoking the traditional language of rationality, reached a result seldom produced under that test.[126] But, in view of the fact that in both cases the legislation operated to specially burden women, it remains to be seen if they stand for a reinvigoration of the rational basis test or the creation of a judicial exception for sex-based classifications.

It is possible that *United States Department of Agriculture* v. *Moreno*[127] represents "the first case in which the Court has applied its new stricter rationality test to [a property-related interest]."[128] In *Moreno* the Court held that the congressional exclusion of households containing unrelated members from federal welfare programs lacked a rational basis and, thus, violated the Fifth Amendment's due process clause. But, although Mr. Justice Brennan, for the majority, purported to be employing the rational basis test, he also examined the congressional purpose behind the exclusion and found it insufficiently important to justify a suspect classification, designed "to harm a politically unpopular group."[129] The double standard and its doctrinal progeny, thus, are far from dead, and in *United States* v. *Kras* the Court continued to invoke it, refusing to extend indigents' rights to free access to the judicial system to include bankruptcy proceedings on the grounds that the economic interest involved in a discharge in bankruptcy was not "fundamental."[130]

[125] 404 U.S. 71 (1971).

[126] 411 U.S. 677, 692 (1973). Justice Powell was joined by the Chief Justice and Justice Blackmun.

[127] 413 U.S. 528, (1973).

[128] *Harvard Law Review*, 87 (1973), 129.

[129] 413 U.S. 538. The justice interpreted the exclusion as being principally directed at hippie communes.

[130] 409 U.S. 434 (1973). See also *Ortwein* v. *Schwab*, 410 U.S. 656 (1973) (per cur-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The language and results of recent cases, such as *Fuentes* and *Lynch*, however, suggest that a redefinition of the Court's role in the scrutiny of property-related regulations and procedures is underway.[131] It is not too difficult to understand why. The more conservative Nixon appointees are presumably favorable to a renewed concern for property interests, while liberal justices have learned the hard lesson of the effect of the double standard upon groups which they view with greater favor. Application of the Stone formula for judicial deferences to the "new property" has resulted in a heightened appreciation among the Court's liberals for property interests generally.

Exhumation without Reburial

The meaning of property for constitutional purposes is broad, takes many forms, and may overlap with the meaning of liberty. Indeed, the effective enjoyment of civil liberties requires a degree of command over material resources. For a vast segment of the human race, the central reality of freedom lies at the economic level; thus, Franklin Roosevelt included in his Four Freedoms, along with the freedoms of speech and religion, *the freedom from want*. In the more advanced societies, the institution of the welfare state has created an array of forms of property dispensed by government which provides material well-being but which also serves to control the rights and status of the individual.

> We cannot safely entrust our livelihoods and our rights to the discretion of authorities, examiners, boards of control, character committees, regents, or license commissioners. We cannot permit any official or agency to pretend sole knowledge of the public good. We cannot put the independence of any man . . . wholly in the power of other men.[132]

Yet, by virtue of the application of the double standard, the Court has for the past generation abdicated any constructive role in resolving this major issue of our time, the relationship between economic independence and individual freedom.

The planned, rational, highly governed, technological society of the future promises greater leisure, health, and prosperity than mankind has

---

iam) (refusing to waive requirement of filing fees for indigents attempting to appeal decisions of state administrative tribunals reducing or terminating public assistance).

[131] *Fuentes* v. *Shevin*, 407 U.S. 67 (1972); *Lynch* v. *Household Finance Corp.*, 405 U.S. 538 (1972). See also *Lindsey* v. *Normet*, 405 U.S. 56 (1972); *Goldberg* v. *Kelley*, 397 U.S. 254 (1970); *Sniadach* v. *Family Finance Corp.*, 395 U.S. 337 (1969); *Richardson* v. *Belcher*, 404 U.S. 78, 90–91 (1971) (Marshall, J., dissenting); *Dandridge* v. *Williams*, 397 U.S. 471, 519–23 (1970) (Marshall, J., dissenting); *Shapiro* v. *Thompson*, 394 U.S. 618, 638 (1969) (Brennan, J.).

[132] Reich, "The New Property," p. 787.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ever enjoyed. But in the rush to the welfare state the liberties of the individual have not been equally valued. Some have received greater attention; others have been temporarily denigrated. Such a situation is not unique in the historical process. The evaluation of different rights tends to differ with changing conditions. Those rights which appear to be threatened are valued more highly than those which are taken for granted. But the fact that a particular liberty or right of the individual is temporarily less appreciated does not affect its fundamental, enduring value. This is the lesson of recent judicial experience with Stone's double standard in a post-New Deal America.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

"Human" Rights vs. "Property" Rights: A Comment on the "Double Standard"

HENRY J. ABRAHAM

Professor Funston acknowledges—as he must, of course—the existence of a past and present (and, very likely, future) judicial posture of a "double standard" or dichotomy between those fundamental personal rights variously styled "human," "basic," "cultural," "personal," or "civil" and those bracketed under the rubrics "property," "economic," or "proprietarian"; or, oversimplified, but on the level of "we-know-what-you-mean," simply a dichotomy between "human" and "property" rights. As have many observers before him, Professor Funston tellingly points to the frustrations of line-drawing between these concepts—frustrations of definition, nomenclature, meaning, and interpretation, frustrations that veritably cry out for an eradication of any "double standard."

Notwithstanding these frustrations, however, such judicial double standards have existed for close to a century now, with the Court's jurisprudential posture—if such it be—now favoring one prong of the dichotomy, now another. And, by whatever name it may be called sporadically, it will assuredly continue to exist, brushed by the perception of the judicial role in its legal, governmental, and political *raison d'être*.

The Fuller and, to a lesser extent, the White, Taft, and pre-1937 Hughes Courts resorted to their approach to substantive due process to strangle economic and social legislative experimentation, while being less than

HENRY J. ABRAHAM is Henry L. and Grace Doherty Professor of Government and Foreign Affairs at the University of Virginia. His major books include *Justices and Presidents; Freedom and the Court; The Judicial Process;* and *Courts and Judges.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

exercised judicially about such "experimentations" in the realm of civil rights and liberties. The post-1937 switch-in-time-that-saved-Nine Hughes Court, propelled in considerable measure by Mr. Justice Stone's Footnote Four judicial *coup de main*, and the subsequent Stone and Vinson Courts, switched judicial gears by allowing all but total carte blanche to the very legislative experimentations so consistently fought by their predecessor tribunals, while raising the protection of basic civil rights and liberties to a "preferred" plane. The Warren Court, of course, elevated the latter emphasis—whatever the labels—and, in effect, not only provided a judicial policy shield for the protection of these fundamental constitutional "noneconomic" guarantees but went beyond the merely protective function to one of prescriptive policy making by intervening in those areas where the paths of political change had been blocked—most notably in the realms of racial segregation and legislative apportionment. Along the way, in the mid-sixties, it established a "double standard" within a "double standard" by creating a substantive due process *cum* "new" equal protection dichotomy between "suspect" and "nonsuspect" categories of legislative action, the former—i.e., race, national origin, alienage, and, perhaps, sex—having to meet the test of a "compelling" state interest to survive, the latter merely having to meet the normal test of a "rational" legislative basis. The Burger Court, notwithstanding its detractors, has in fact not only continued to embrace that double-standard-within-a-double-standard but has seemed to firm it up considerably in the four enumerated areas. Whatever one may think of the Burger Court's jurisprudence, it is simply not accurate to characterize its history to date as one of judicial "retrenchment" in its decisions dealing with the four "suspect" or "near suspect" categories. It may have refused to plow new furrows, as the 5:4 decisions in such significant cases as *San Antonio School District* v. *Rodriguez*[1] and *Milliken* v. *Bradley*[2] and the 4:4 one in *Bradley* v. *Virginia*[3] indicate—but there is a difference between turning back and stopping. The charge of retrenchment does apply to a degree in certain segments of the realm of criminal justice, but even here the results[4] are at least mixed in terms of the protection of the individual.

Given the above historical facts of Court life, Professor Funston (1) flays the "apologists" of the double standard, including this writer; (2) purports to see (a) a blurring of the double standard by the Burger Court,

[1] *San Antonio Independent School District* v. *Rodriguez*, 411 U.S. 1 (1973).

[2] *Milliken* v. *Bradley*, 418 U.S. 717 (1974).

[3] *Bradley* v. *Virginia*, 411 U.S. 913 (1973).

[4] For an obvious illustration, compare the results in *Harris* v. *New York*, 401 U.S. 222 (1971) and *Furman* v. *Georgia*, 408 U.S. 238 (1972).

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

led by Mr. Justice Stewart with the eager support of Justices Douglas, Brennan, and Marshall, and the more ambivalent one of Mr. Justice White (all five justices of course antedate both Mr. Chief Justice Burger's appointment and the Nixon-Ford presidencies), and/or (b) the establishment of "new property" rights, based on the ongoing era of the welfare state; and (3), encouraged by Professor Charles Reich's clarion calls for judicial activism on behalf of an expanded approach to egalitarianism under both the due process and equal protection clauses (although Funston does not wholly accept Reich), calls for judicial embrace of the notion that "the central reality of freedom lies at the economic level," that, accordingly, the inherent bounties of the welfare state, viewed as clothed with "fundamental, enduring value," ought to be raised to the constitutionally protected level of the "freedoms of speech and religion." A comment is in order on each of these three key points in Professor Funston's presentation.

Regarding the first, I have no particular objections to being dubbed an "apologist" for the double standard—as long as it is "my" double standard for which I am attacked, and not the more recent models (some of which seem to have terpsichorean characteristics). In effect, however, I have never advocated or embraced the double standard per se (as Chapter II of my *Freedom and the Court*[5] and Chapter II of *The Judiciary*[6] hopefully make clear); I have merely endeavored to identify, explain, and analyze it and suggest justifications for it. In that vein, I shall continue to stand by what I have written and what I still view as the existence of a basic double standard and its justification therefor—for even if one were to grant an "elevation" of the propertarian realm on the Court's hierarchy of concerns, its three or four (depending upon one's perception) "suspect" categories all fall into the area of fundamental human rights. However, I *am* now prepared to stipulate that my fourth suggested justification for the double standard, namely "discrepancy in access to the political processes,"[7] no longer merits the emphasis I have accorded it in the past. For, clearly, the increased litigation activity of civil rights and liberties interest groups probably vitiates it as a meaningful justification—although I still do not by any means view it as wholly inapplicable.

As to his second point, it may well be that a blurring of the post-Hughes and pre-Burger Court double standard has taken, or is taking, place, given the Burger Court's evident willingness during its past two terms to examine alleged violations, chiefly, but not exclusively, or pro-

[5] (New York, 1972).
[6] (Boston, 1973).
[7] Pp. 25–28 and 51–53, respectively.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

cedural due process in several standard "property rights" realms, including such perhaps less than constitutionally earthshaking ones as garnishment[8] and replevin.[9] Yet, on the other hand—as Professor Funston grants readily[10]—the Burger Court's "new property" recognition has stopped far short of turning into an embrace of a "new substantive equal protection,"[11] thus still permitting legislative discriminatory classification in the area of "economics and social welfare," unless such a classification runs afoul of the "suspect" category syndrome. Hence, although Mr. Justice Stewart might well castigate the dichotomy between personal liberties and property rights as "a false one,"[12] it is obvious that the essential Stone philosophy of the double standard still governs—however amended or augmented—as, again, Professor Funston acknowledges.[13]

To a considerable degree, the verdict thus necessarily turns on definitions, on *nomenclature*—on one's perceptions as to the precise constitutional point at which a particular due process or equal protection violation complained of is substantive or procedural, "libertarian," or "propertarian." (Mr. Justice White, as well as his colleague Stewart, seems to have developed all but a fetish about embracing the concept "propertarian"—witness his majority opinion for the 5:4 Court in the 1975 pupil suspension rights case.)[14]

Professor Funston's third—his "Reichian"—point is basically steeped in value orientation; it expresses a hope and a dream. But it assuredly falls short of constitutional mandate, absent the fundamental document's amendment *or* legislative facilitation of the desired goals of the contemporary welfare state. It is one thing to speak of the desirability of freedom from want, or of equalization of wealth, or of economic independence. It is quite another to raise these concepts to the level of constitutionally guaranteed command. Admittedly, the Court does not want for ingenuity in discovering constitutional gloss in order to achieve its resolve; witness such controversial decisions as those declaring unconstitutional the Connecticut birth control[15] and Texas and Georgia anti-

[8] *Lynch* v. *Household Finance Corp.*, 405 U.S. 538 (1972).

[9] *Fuentes* v. *Shevin*, 407 U.S. 67 (1972).

[10] E.g., his examples of *Dandridge* v. *Williams*, 397 U.S. 471 (1970); *Wyman* v. *James*, 400 U.S. 309 (1971); and *James* v. *Valtierra*, 402 U.S. 137 (1971).

[11] *Graham* v. *Richardson*, 402 U.S. 365 (1971); *Lindsey* v. *Normet*, 405 U.S. 56 (1972); and *Ortwein* v. *Schwab*, 410 U.S. 656 (1973).

[12] *Lynch* v. *Household Finance Corp.*, fn. 8, *supra*, at 552.

[13] Thus, he correctly cites *Hadley* v. *Junior College District*, 397 U.S. 50 (1970); *Williamson* v. *Illinois*, 399 U.S. 235 (1970); and *Dunn* v. *Blumstein*, 405 U.S. 230 (1972).

[14] *Goss* v. *Lopez* (decided January 22, 1975).

[15] *Griswold* v. *Connecticut*, 381 U.S. 479 (1965).

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

abortion[16] statutes. Yet, however embarrassing the "penumbra" rationale of the controlling opinons may well have been, they were in the main linked to specific constitutional provisions—and they dealt with measures that had been enacted into law, not with the attainment of welfare state policies not yet legislatively sanctioned.

By virtue of the application of the Stone double standard, Professor Funston charges in conclusion, "the Court has for the past generation abdicated any constructive role in resolving [the] major issue of our time, *the relationship between economic independence and individual freedom.*"[17] But is that really a judicial task? There are many who, given our system of government, would respond in the negative, while pointing proudly to the magnificent role the Court has played during that generation and more in the articulation and safeguarding of our cherished fundamental liberties.

[16] *Roe* v. *Wade*, 410 U.S. 113 (1973) and *Doe* v. *Bolton*, 410 U.S. 179 (1973).
[17] Italics added.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

American Businessmen and Foreign Policy: The Recognition of Mexico, 1920–1923

N. STEPHEN KANE

Historians and political scientists have recently shown an increasing interest in the interrelationship between business and government in the field of foreign policy during the twentieth century. While few of them would accept uncritically the radical revisionist contention that the relationship between businessmen and policy makers is virtually collusive, even fewer would deny that business groups exert significant influence on the formulation and implementation of foreign policy. Despite mounting evidence to the contrary, many scholars continue to attribute to individual businessmen and business-interest groups power over policy far greater than they actually possess.

Although much of the scholarship dealing with the subject is impressionistic,[1] studies by Tansill, Beard, Campbell, and Vevier,[2] for ex-

[1] See, for example, Scott Nearing and Joseph Freeman, *Dollar Diplomacy: A Study in American Imperialism* (New York, 1925); Leland H. Jenks, *Our Cuban Colony: A Study in Sugar* (New York, 1928); C. Hartley Grattan, *Why We Fought* (New York, 1929); J. Fred Rippy, *The Capitalists and Colombia* (New York, 1931); and Carleton Beals, *The Crime of Cuba* (Philadelphia, 1934).

[2] Charles C. Tansill, *America Goes to War* (Boston, 1938), especially chap. III; Charles A. Beard, *America in Mid-Passage* (New York, 1939); Charles S. Campbell, *Special Business Interests and the Open Door Policy* (New Haven, Conn., 1951); and Charles Vevier, *The United States and China, 1906–1913: A Study in Finance and Diplomacy* (New Brunswick, N. J., 1955).

N. STEPHEN KANE is an historian at the U.S. Department of State and a member of the editorial board of *Societas: A Review of Social History*. A contributor to scholarly journals, he is currently at work on a book dealing with business influence and United States policy toward Latin America.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ample, cannot be dismissed in the same way. They are not only sophisticated pieces of research, but they rest on certain common assumptions: that patterns of influence are an integral part of the political process, affecting foreign policy as well as domestic issues; that financial power and social prestige enable business leaders to gain easy access to policy makers; and that of all interest groups within the political system businessmen are the most effective because they can readily claim economic injury and because they can afford the expensive and time-consuming participation necessary to manipulate the legislative process. But these same studies also contain a common flaw; their authors tended to regard the holding of similar positions by businessmen and policy makers as evidence of influence. Moreover, they made little effort to dissect the decision-making process in order to determine precisely the flow of influence in specific situations. As a result, they generally failed to prove a direct connection between business pressure and actual policy decisions.

Recently radical revisionist scholars have developed a different set of assumptions concerning the interrelationship between business and government in the field of foreign policy.[3] Radical revisionists such as Williams, Kolko, Magdoff, Horowitz, Gardner, and Paterson[4] evidently assume that the policy-making structure is controlled by an elite, consisting primarily of corporate leaders and their political-military al-

[3] As used here, the term "radical revisionist" applies to those scholars who believe that United States foreign policy is the result primarily of forces generated by the domestic institutions of American capitalism, and that its alleged counterrevolutionary orientation will not change until a basic political-economic transformation occurs in American society. For a critique of radical revisionist scholarship which addresses itself in part to this point of view, see Robert W. Tucker, *The Radical Left and American Foreign Policy* (Baltimore, 1971).

[4] William Appleman Williams, *The Tragedy of American Diplomacy* (Cleveland, 1959), *The Contours of American History* (Cleveland, 1961), and *The Roots of the Modern American Empire* (New York, 1969); Gabriel Kolko, *The Politics of War: The World and United States Foreign Policy, 1943–1945* (New York, 1969), *The Roots of American Foreign Policy: An Analysis of Power and Purpose* (Boston, 1969), and Gabriel Kolko and Joyce Kolko, *The Limits of Power: The World and United States Foreign Policy, 1945–1954* (New York, 1972); Harry Magdoff, *The Age of Imperialism: The Economics of American Foreign Policy* (New York, 1969); David Horowitz, *The Free World Colossus: A Critique of American Foreign Policy in the Cold War* (New York, 1965); Lloyd Gardner, *Economic Aspects of New Deal Diplomacy* (Madison, Wis., 1964), and *Architects and Illusion: Men and Ideas in American Foreign Policy, 1941–1949* (Chicago, 1970); Thomas G. Paterson, "The Quest for Peace and Prosperity: International Trade, Communism, and the Marshall Plan, in Barton J. Bernstein (ed.), *Politics and Policies of the Truman Administration* (Chicago, 1970), pp. 78–112. See also David Horowitz (ed.), *Corporations and the Cold War* (New York, 1969), which contains essays by Williams, Gardner, G. William Domhoff, David W. Eakins, Joseph D. Phillips, and Charles W. Nathanson.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

lies, which possesses sufficient power to shape national decisions.[5] They concede that businessmen often disagree over policy questions, but they regard such disagreements as merely tactical, and therefore of no real consequence. From the revisionist perspective, the roles of business leader and policy maker are virtually interchangeable; the common denominator is their firm belief in the imperative need to expand the American capitalist system—a belief which transcends all competitive differences between business groups and which ultimately renders irrelevant any question concerning the role of influence or the impact of group conflict in the pursuit of policy preference. On the surface, this interpretation is attractive, but it vastly oversimplifies the nature of decision making, in part by reducing motivation to a single impulse and in part by failing to appreciate the way noneconomic factors link together with economic ones to form the options from which policy makers have to choose.[6]

Despite the currency of radical revisionist assumptions, the available empirical evidence does not appear to sustain the view that businessmen have a major influence on policy decisions. Case studies of business efforts to exert pressure on the policy process, in fact, substantially point to the opposite conclusion. For example, Wilson has disproved the widely held view that business pressure was responsible for inducing the Roosevelt administration to recognize the Soviet Union in 1933; Wilkins has found, contrary to the assumptions of previous scholars, that businessmen had little impact on the course of United States relations with Japan from 1931 to 1941; Cohen has demonstrated that business interests were generally unable to obtain their objectives in the formation of the Japanese Peace Treaty in 1951; and Bauer, de Sola Pool, and Dexter have

[5] The radical revisionists' intellectual debt to C. Wright Mills, *The Power Elite* (New York, 1956), is quite apparent. For a trenchant analysis of Mills's concept of "the power elite" and an instructive discussion of the very limited circumstances under which it can be subjected to empirical verification, see Robert A. Dahl, "A Critique of the Ruling Elite Model," *American Political Science Review*, LII (June 1958), 463–469.

[6] This is not to suggest, of course, that only radical revisionists currently assume a vital connection between businessmen and policy makers. Many scholars would probably agree with the statement in Carl Parrini, *Heir to Empire: United States Economic Diplomacy, 1916–1923* (Pittsburgh, 1969), p. x: "that while business interests do not dictate to the political leadership the policies they pursue, they do establish an economic reality within which the alternatives available to the politician are rather sharply circumscribed." But this view raises two immediate questions, not answered by Parrini: (1) precisely how are differing perceptions of economic reality reconciled in policy decisions, and (2) how is the significance of the economic reality calculated when it is merely one of several "realities" impinging on the decision-making process at any given time?

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

demolished the idea that business influence is the primary force in shaping tariff policy.[7]

In considering the role of influence in the relationship between businessmen and policy makers, there are at least three distinct possibilities. Businessmen may try to influence policy makers to adopt certain policies beneficial to business interests; policy makers may try to influence businessmen to undertake tasks conceived as vital to the nation's interests which the latter would ordinarily be reluctant to pursue; and the objectives of the two groups may be sufficiently congruent to permit effective cooperation without involving an effort by either to exert influence on the other. This article deals with the first of these possibilities.

The case of American businessmen and the recognition of the regime of Álvaro Obregón in Mexico provides an excellent opportunity to assess business response to a particular policy.[8] From 1920 to mid-1923, the State Department withheld recognition from Obregón as part of an effort to compel him to sign a treaty guaranteeing protection for American property rights threatened by the potentially confiscatory provisions of Article 27 of the Constitution of 1917. Those businessmen concerned

[7] The works referred to in this paragraph are as follows: Joan Hoff Wilson, "American Business and the Recognition of the Soviet Union," *Social Science Quarterly*, LII (September 1971), 349–368; Mira Wilkins, "The Role of U.S. Business," in Dorothy Borg and Shumpei Okamoto (eds.), *Pearl Harbor as History: Japanese-American Relations, 1931–1941* (New York, 1973), pp. 341–376; Bernard C. Cohen, *The Political Process and Foreign Policy: The Making of the Japanese Peace Settlement* (Princeton, N. J., 1957); and Raymond A. Bauer, Ithiel de Sola Pool, and Lewis Anthony Dexter, *American Business and Public Policy: The Politics of Foreign Trade* (Englewood Cliffs, N. J., 1964). For a broader study which reaches somewhat similar conclusions about the impact of business pressure on major foreign policy decisions, see Joan Hoff Wilson, *American Business and Foreign Policy, 1920–1933* (Lexington, Ky., 1971).

[8] Recent scholarship dealing with United States-Mexican relations during the Harding period has emphasized the importance of business pressure in bringing about the recognition of Obregón. Both Eugene P. Traini, "Harding Administration and Recognition of Mexico," *Ohio History*, LXXV (Spring–Summer 1966), 145, and Robert K. Murray, *The Harding Era: Warren G. Harding and His Administration* (Minneapolis, Minn., 1969), p. 330, note the intense public and business pressure which they believe helped to facilitate recognition, but neither adduces sufficient evidence to support his view; C. Dennis Ignasias, "Propaganda and Public Opinion in Harding's Foreign Affairs: the Case for Mexican Recognition," *Journalism Quarterly*, XLVIII (Spring 1971), 41–52, contends rather implausibly, that the Mexican government's active propaganda campaign in the United States stimulated public opinion in favor of recognition to the extent that President Harding, motivated "by the voluminous written and spoken word of the 'popular will,'" "pressured" Secretary of State Charles Evans Hughes to reformulate the department's position; Robert Freeman Smith, *The United States and Revolutionary Nationalism in Mexico, 1916–1932* (Chicago, 1972), pp. 213–220, strongly implies that a single businessman—Thomas W. Lamont—was responsible for bringing about recognition.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

with the status of relations between the two countries divided into pro-recognitionists, consisting predominantly of manufacturers and exporters of consumer goods, and antirecognitionists, including mostly investors in Mexican petroleum and agrarian properties. Despite widespread and growing pressure for recognition within the business community, the State Department refused to alter its policy. When recognition finally was extended, it was clearly the result of concessions by Mexico rather than business pressure in the United States.

This study confirms the findings of scholars such as Bernard C. Cohen, Raymond Bauer, and Lester Milbrath,[9] who have concluded that business-interest groups have little effective influence on foreign policy, and it also suggests that the collusion between businessmen and policy makers stressed by radical revisionists is more hypothetical than real.

The Basis for Nonrecognition

The status of United States relations with Mexico between 1920 and 1923 is generally well known and requires no extensive treatment here. Suffice it to say that one of the fundamental aims of United States policy was to preserve the economic position of American citizens in Mexico, which was threatened by Article 27 of the Constitution of 1917. That article contained provisions calling for the nationalization of the subsoil and outlining an ambitious program of agrarian redistribution. Although these provisions were not immediately implemented, they were clearly directed against the foreign investor. They not only endangered American control of the Mexican petroleum industry and the titles secured by American landowners under laws in force prior to the promulgation of the new constitution, but they also challenged prevailing conceptions of international law that were beneficial to capital-exporting nations.[10]

In responding to the surge of economic nationalism in Mexico, the United States relied upon two principal weapons—the withholding of

[9] Bernard C. Cohen, *The Influence of Non-Governmental Groups on Foreign Policy-Making* (Boston, 1959); Lester W. Milbrath, "Interest Groups and Foreign Policy," in James A. Rosenau (ed.), *Domestic Sources of Foreign Policy* (New York, 1967), pp. 231–251.

[10] The following works are instructive on the origin and impact of Article 27, as well as the broader implications of the controversy over property rights in Mexico: Pastor Rouáix, *Genesis de los artículos 27 y 123 de la Constitución Política de 1917* (México, 1959); Oscar Morineau, *Los derechos reales y el subsuelo in México* (México, 1948), pp. 197–245; Wendell C. Gordon, *The Expropriation of Foreign Owned Property in Mexico* (New York, 1941); John P. Bullington, "Problems of International Law in the Mexican Constitution of 1917," *American Journal of International Law*, XXI (October 1927), 685–705.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

recognition from the Adolfo de la Huerta/Álvaro Obregón regime, which had come into power in the spring of 1920, and the application of financial pressure in the form of a loan ban. The Department of State refused to extend recognition until Mexican leaders signed a treaty containing stipulations designed to nullify the potentially confiscatory provisions of Article 27. Moreover, until recognition was granted, the capital markets of the United States were to remain closed to Mexico. Secretary of State Charles Evans Hughes defended this policy as necessary in order to safeguard legitimate American property rights against confiscation, and to eliminate conditions destructive to international trade. "A confiscatory policy strikes out not only at the interests of particular individuals," he stated in a press release of June 7, 1921, "but at the foundation of international intercourse, for it is only on the basis of the security of property validly possessed under laws existing at the time of its acquisition that commercial transaction between the peoples of two countries . . . is possible."[11]

In 1920, Mexico was not altogether unattractive as a trade area for the United States, despite the destructive and disorganizing impact of ten years of intermittent revolution. The Mexican economy had reached its nadir in 1915–1916, but the demands created by the European war had halted the downward trend. Between 1916 and 1920 the economy steadily recovered. Various statistical indicators confirm the upward swing: increases in the production of minerals, petroleum, hemp, and textiles, the sale of light and power, and railroad traffic; and a shift from a net-importing to a net-exporting basis for cattle and rice. After 1921, oil production declined, as American petroleum interests began to concentrate on developing new fields in other countries, but the general level of raw material and agricultural exports continued to rise.[12] Perceptive American businessmen interested in the Mexican market could thus discern a country undergoing a process of economic recovery, in which there was no shortage of foreign exchange—in short, a country offering prospects for profitable trade.

Economic recovery in Mexico coincided in part with the postwar economic depression in the United States. The collapse of wartime demand, the reentry of industrialized countries into the peacetime trade, rapid credit deflation in the United States, and the termination of public loans to European governments combined to produce a severe dislocation in the

[11] *New York Times*, June 8, 1921.

[12] Joseph E. Sterrett and Joseph S. Davis, *The Fiscal and Economic Condition of Mexico. A Report Submitted to the International Committee of Bankers on Mexico* (New York, 1928), pp. 213, 227–230; Clark W. Reynolds, *The Mexican Economy: Twentieth-Century Structure and Growth* (New Haven, Conn., 1970), pp. 26–31.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

American economy. The volume of business declined steadily during the last quarter of 1920, and it hit bottom in 1921, when wholesale prices dropped as much as one-third. Although manufacturers curtailed production in order to meet the crisis, many of them had built up surplus stocks during the preceding years, and these could not be sold until viable markets were found. Under such conditions, Latin America in general, and Mexico in particular, assumed an increasing importance in the calculations of American businessmen.[13]

Division within the Business Community

It is against this background that business opinion toward the Department of State's Mexican policy must be assessed. On the whole, those businessmen and business groups concerned about conditions in Mexico and the fate of the Obregón regime divided into prorecognition and antirecognition camps on the basis of their individual or group self-interest.

Small and medium-sized firms with established business ties in Mexico were among the first to complain that the government's Mexican policy was injurious to American commercial interests. In most cases, they had been compelled to stop shipments below the border during the revolution, while maintaining agents on salary in the country and incurring other business-related expenses there.[14] Although these firms may not have felt the pinch during the war, by 1920 they were ready once again to begin exporting to Mexico. Lack of recognition, they believed, hampered the full restoration of commercial activity, and prevented them from recouping their losses. In letters to the State Department, Commerce Department, and their representatives in Washington, they claimed that conditions in Mexico were sufficiently stable to warrant recognition, and that the absence of normal relations was "strangling" opportunities for American businessmen in Mexico. A typical communication to

[13] The state of the economy in 1920–1921 is described in John D. Hicks, *Republican Ascendancy, 1921–1933* (New York, 1960), pp. 21–22, and George Soule, *Prosperity Decade, From War to Depression: 1917–1929* .(New York, 1947), pp. 81–86. For an indication of business optimism concerning trade with Latin America, see the address entitled "South American Business," by F. De St. Phalle (Baldwin Locomotive Works) to the Foreign Trade Convention, 1922, printed in National Foreign Trade Council, *Official Report of the Ninth National Foreign Trade Convention, Held at Philadelphia, Pa., May 10, 11, 12, 1922* (New York, 1922), pp. 342–352.

[14] In a paper entitled "Trade Notes," prepared February 21, 1923, Consul Thomas D. Bowman at Mexico City, reported that 172 American firms were represented in Mexico City by local agents, while 21 branch firms of American enterprises were located there; a copy of the paper is in National Archives, Record Group 84, Records of the Foreign Service Posts of the United States: United States Embassy, Mexico City, 1923, File 610 (hereafter cited as Embassy, Mexico City, with file number).

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Secretary Hughes came from Sheldon B. Cary, president of the Browning Company in Cleveland, which produced locomotive cranes:

> Talking yesterday with our representative, who travels for us and several other concerns through Mexico, I was impressed with the fact that recognition of the present government of Mexico by our government would release about one hundred thousand dollars of business for our little concern and would be an item in getting our property on to a paying basis and increasing certainty of continued employment of our present force through the Fall and Winter.[15]

Those businessmen who visited Mexico during the early 1920s were enthusiastic about the direction of Mexico's economic future and trade opportunities for American products. Numerous delegations representing local chambers of commerce and merchants' organizations in the United States made excursions to Mexico in order to observe conditions there at first hand. When they returned, they consistently reported their belief that Obregón was a competent leader who understood the "practical" needs of business and who was doing his utmost to put Mexico on the road to full economic recovery. They usually noted that because of depleted warehouse stocks Mexican importers were prepared to purchase large amounts of consumer goods, and they expressed considerable concern that prospective purchasers might turn to the exports of those countries which had already extended recognition, particularly Japan and Germany.[16] They urged early recognition in part because they believed

[15] Sheldon B. Cary (president, The Browning Company, Cleveland) to Hughes, September 16, 1922, National Archives, Record Group 59, General Records of the Department of State, File number 612.1115/29 (hereafter cited as NA with file number). See also H. L. Stevenson (general manager, Motor Supply Company, Phoenix, Ariz.) to Carl Hayden (U.S. Congress, Arizona), November 18, 1921, enclosed in Hayden to Hughes, November 25, 1921, Howard Whittemore (vice-president, Parsons & Whittemore, Exporters and Importers, New York) to Senator William M. Calder, August 11, 1921, NA612.1115/11, 9; J. J. Charles (president, Hibbard, Spencer, Bartlett & Company, Chicago) to Hughes, April 26, 1922, W. M. Sinclair (manager, Export Department, The Rubberoid Company, New York) to Hughes, April 27, 1922, G. A. Ricker (treasurer, Walworth Manufacturing Company, Boston) to Hughes, May 11, 1922, NA711.12/430, 431, 435; Caleb R. Layton (U.S. Congress, Delaware) to Hughes, May 3, 1922, enclosing quotations from the president of Hilles & Jones Manufacturing Company (Delaware), F. B. Downs (Detroit) to Hughes, September 13, 1922, Austin S. Kibbee (Lewis S. Crossett Shoe Company, North Abington, Mass.) to Hughes, September 28, 1922, NA812.00/25558, 25908, 25947; C. H. Cochrane (president, Utility Heater Company, New York) to Hughes, July 16, 1921, T. F. Doyle (vice-president, Babbitt-Doyle Cattle Company, Litchton, Ariz.) to Hughes, July 21, 1921, Papers of Charles Evans Hughes, Manuscript Division, Library of Congress, Containers 15, 18 (hereafter cited as Hughes Papers).

[16] Increased commercial activity throughout Mexico of German firms, which were allegedly offering lower prices and more generous credit terms than their American

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

that it would put American manufacturers and exporters in a much stronger competitive position to capture Mexican trade.[17]

A number of industrialists representing large manufacturing firms, especially those producing capital equipment which a recovering economy would need, added their voices to the demand for recognition. Two of the most notable examples were Judge Elbert H. Gary of the United States Steel Corporation and Samuel M. Vauclain, president of Baldwin Locomotive Works, both of whom were no doubt aware that the revolution had virtually destroyed Mexico's internal railway system. After a two-week tour of Mexico in August 1921, Vauclain announced that business opportunities were plentiful there for "real Americans," but not "profiteers, speculators or confidence men . . . ," and that Obregón was sincere in his intention to protect legitimate foreign investments. As a result of his visit, he signed a contract with the Mexican government whereby his firm agreed to extend a $2,500,000 revolving credit to allow Mexico to purchase sixty-five locomotives. In this way, Vauclain not only confirmed his faith in Obregón, but he also circumvented the intended effect of the State Department's loan ban on Mexico by financing his own exports.[18]

While businessmen were most directly interested in the potential profits of the Mexican market, they were also aware of the tie between domestic politics in Mexico and commercial traffic. They believed that recognition would strengthen Obregón against his political enemies and promote the stability of his regime, and they regarded a stable government as a prerequisite to profitable trade. Many of them appreciated the

---

competitors, was frequently reported by American consuls. See, for example, the reports of Consul Francis J. Dyer, Nogales, Sonora, November 27, 1920; Consul Cornelius J. Ferris, February 13 and 23, 1921; Consul A. J. McConnico, Guadalajara, March 11, 1921; and Vice-Consul Jack D. Hickerson, Tampico, November 7, 1921; all in Embassy, Mexico City, File 610.

[17] C. B. Yandell, (general manager, Chamber of Commerce, San Antonio, Tex.) to Senator William E. Borah, May 28, 1921, Papers of William E. Borah, Manuscript Division, Library of Congress, Container 207; Robert J. O'Connor (manager, O'Connor Furniture Company, Santa Rosa, Calif.) to Congressman Clarence Lea (California), August 10, 1921, enclosed in Lea to Hughes, August 15, 1921, NA612.1115/8; James Z. George (vice-president, Chamber of Commerce, Dallas, Tex.) to Hughes, April 22, 1922, NA711.12/427; W. F. Carter (president, Chamber of Commerce, St. Louis, Mo.) to President Harding, April 30, 1921, NA812.00/24968; "Report on San Francisco Excursion of Businessmen, sponsored by the San Francisco Chamber of Commerce," *New York Times*, January 10, 1921; press release, Los Angeles Chamber of Commerce, *Los Angeles Times*, March 11, 1921.

[18] *Commercial and Financial Chronicle*, CXII (August 27, 1921), 899. Similar expressions of support can be found in Henry Woodhouse, "The New Understanding with Mexico," *Current History*, XVI (September 1922), 1012–1014.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

dilemma Hughes's policy created for Obregón, and they feared that if he was not recognized his regime would eventually collapse and lead to another period of disruptive anarchy. John B. Glenn, Mexican representative for the Equitable Trust Company, expressed sentiments commonly held by many business leaders when he publicly declared that Obregón wanted to comply with the intent of the treaty proposed by Hughes, but that his signature on such a document prior to recognition would constitute a humiliating act, thereby destroying his stature as a patriot, and encouraging rebellions against his authority.[19]

On the other hand, prorecognition businessmen showed no ideological concern about the alleged "bolshevism," "communism," or "radicalism" of either the Constitution of 1917 or the members of Obregón's administration. In fact, they were impressed by the "rugged individualism" reflected in his rise to prominence and his middle-class appearance. They regarded him as politically and economically moderate, an image which Obregón cultivated, and they believed that recognition would obviate any necessity for him to introduce "Bolshevik schemes" in order to gain local support. Thomas W. Lamont, senior partner in J. P. Morgan Company, for example, told a group of businessmen early in 1922 that he had found Mexican leaders "not at all bolshevistic or anarchistic" and that the Constitution of 1917 was subject to criticism "not so much on the ground of its radicalism, as upon its unworkableness."[20]

Lamont's attitude was no doubt influenced by the fact that he was chairman of the International Committee of Bankers on Mexico, which had been organized in 1918 and currently was engaged in a series of negotiations with the Mexican government aimed at the resumption of payments on its defaulted external debt. American financiers who were members of the committee scrupulously avoided public statements about the issue of recognition both before and after the signature of the so-called Lamont-De la Huerta Agreement in June 1922, but almost as soon as the agreement was signed, Lamont began to apply subtle pressure upon Hughes to assume a less rigid position toward Mexico. Because of the

[19] Glenn's statement is in *New York Times*, August 7, 1921. See also George H. Eichelberger (Harvey Fisk and Sons) to President Harding, October 8, 1921, Papers of Warren G. Harding, Ohio Historical Society, Columbus, Ohio, Box 167; W. M. James to Albert B. Fall (secretary of the interior), May 27, 1921, Papers of Albert B. Fall (microcopy), "Mexican Affairs," Case 2, item 1726; J. J. Charles (Chicago) to Hughes, April 26, 1922, NA711.12/430; "Memorandum of a Conversation between Mr. George Young, of the Cananea Consolidated Copper Company, and the Under Secretary of State (Fletcher)," June 21, 1921, Hughes Papers, Container 176.

[20] Lamont, "Remarks Before the Dutch Treat Club Luncheon held at the Martinique Hotel (Lincoln)," March 14, 1922, Thomas W. Lamont Papers, Baker Library, Harvard University, Box 201.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

financial agreement, Lamont wanted the Obregón government to survive, and he believed that recognition was essential to its survival.[21]

The opponents of recognition were less numerous but better organized than the prorecognitionists. Representing almost exclusively large firms or individuals with direct investments in Mexican petroleum and agrarian properties, the antirecognitionists depended upon formal pressure groups to spread their message to the American public and government officials. The most important of these groups was the National Association for the Protection of American Rights in Mexico (NAPARM). Organized in 1919 through the initiative of the powerful American oil companies in Mexico, NAPARM conducted an extensive propaganda campaign which stressed the themes of a rising tide of Bolshevism in Mexico, the incompetence of Mexican leaders, and the insecurity of American lives and properties. Although at its inception NAPARM had implicitly advocated intervention as the best solution to Mexico's problems, by 1921 the tone of its propaganda moderated, and it became a solid supporter of Hughes's policy of conditional recognition.[22] NAPARM's effectiveness was impaired, however, by several factors. After 1920 the association could not obscure the fact that general stability had returned to Mexico under Obregón, nor could it prove that any American-owned properties had actually been confiscated. Moreover, its image suffered a serious blow in 1922 because of revelations connecting the association's executive director, Thomas F. Lee, with an attempt to encourage Mexican émigrés in Texas to lead a revolt against Obregón's government.[23] Finally, NAPARM was rent by internal dissension which culminated in the resignation of a sizable group of independent investors led by William F. Buckley, who publicly charged that NAPARM was a tool of the oil companies, and who proceeded to organize the American Association of Mexico (AAM).[24]

The AAM was the most persistent and militant opponent of recogni-

[21] The relationship between the bankers and the State Department is analyzed in the author's "Bankers and Diplomats: The Diplomacy of the Dollar in Mexico, 1921–1924," *Business History Review*, XLVII (Autumn 1973), 335–352.

[22] The best source for background material on NAPARM is United States Senate, "Investigation of Mexican Affairs; Preliminary report and hearings of the Committee on Foreign Relations," Senate Document No. 285, 2 vols., Series 7665–7666, 66th Congress, 2nd Session, *passim*. See also Clifford W. Trow, "Woodrow Wilson and the Mexican Interventionist Movement of 1919," *Journal of American History*, LVIII (June 1971), 46–72.

[23] Chester T. Crowell (NAPARM) to Henry P. Fletcher, January 20, 1922, NA 812.6363/1070; *New York Times*, January 20, 1922; *The Nation*, CXIV (February 1 and March 1, 1922), 110, 236.

[24] William F. Buckley, Paul Hudson, and Sidney A. Smith (Provisional Executive Committee, AAM) to Fall, January 31, Ira Jewell Williams (NAPARM) to Buckley,

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tion. In public addresses, a series of bulletins, and private letters to government officials, Buckley and his colleagues charged that the Constitution of 1917 had been inspired by Bolshevik ideas and was designed purposely to drive American property owners out of Mexico. They described Obregón's regime as illegal and usurpative, and they claimed that the revolution did not represent the will of the Mexican people. They insisted that conditional recognition was completely in order, since it was much wiser to extract promises before rather than to try to do so after recognition had been extended.[25] In line with their position, the leaders of the AAM made an effort to dissuade other businessmen from visiting Mexico, and to prevent direct negotiations between American investors, particularly the oil interests, and the Mexican government.[26]

The division of the business community over the question of recognition was most clearly evident among the oil interests. The larger American petroleum companies with vested interests in Mexico naturally supported the State Department's policy, but more significantly, they tried to wage a widespread publicity campaign, which they aimed at other businessmen, as well as the general public. Companies such as Standard Oil of New Jersey and Edward L. Doheny's Mexican Petroleum Company distributed their "educational" material through the Association of Petroleum Producers in Mexico (APPM),[27] an affiliate of NAPARM. They were largely responsible for financing the activities of NAPARM, and they exerted considerable influence in certain trade associations, such as the American Petroleum Institute.

The director of the institute, Van H. Manning, a former government employee, never tired of pointing out that the consumption of petroleum

---

February 14, and Buckley to Williams, February 17, 1921, Fall Papers, Case 1, items 540, 1896, 1897; AAM press release, *New York Times*, February 14, 1921.

[25] Buckley, "Some Aspects of the Problem of Recognizing the Present Government of Mexico," a paper read at the Mississippi Valley Historical Association, May 12, 1922, AAM, "Protection for American Citizens Abroad," *Bulletin* 2, May 15, 1921, and "Essentials of a Just Policy Toward Mexico," *Bulletin* 3, June 20, 1921, Fall Papers, Case 1, items 2010, 563, 566; Sidney A. Smith to Hughes, June 14, 1921, NA 711.12/338; Buckley to Representative Tom Connally (Texas), April 15, 1922, enclosed in Buckley to Hanna, April 17, 1922, NA 812.00/25535.

[26] See, for example, Buckley to Seattle Chamber of Commerce, March 16, 1921, enclosed in Milton E. McIntosh (director, Foreign Trade Bureau, Seattle Chamber of Commerce) to Ben G. Davis (chief clerk, State Department), March 26, 1921, NA 711.12/322; AAM press release, *New York Times*, August 24, 1921; AAM, "Result of the Oil Committee's Visit to Mexico City," *Bulletin* 7, September 26, 1921, NA 812.6363/1270.

[27] Numerous samples of NAPARM's publicity campaign—pamphlets, special bulletins, flyers, and newsletters—may be found in the Fall Papers, Cases 1 and 2.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

in the United States outran production, and that consequently the United States had to depend on foreign sources of supply. It was vitally necessary, he insisted, because of the needs of American industry and defense to maintain an uninterrupted supply of oil. Therefore, he urged the government to protect the petroleum rights acquired by American citizens in Mexico and elsewhere against retroactive legislation, "empirical regulation," and confiscatory taxation.[28]

Small, independent companies drilling in Mexico saw matters in a different light. They believed that they were more threatened by their larger competitors, who controlled the pipelines in Mexico and the marketing facilities outside of Mexico, than by the Mexican government. They cooperated with the government as a means of improving their competitive position. Companies such as Mid-Continental, AGWI, Pierce Oil, and the Norman Oil Corporation accepted the government's claim to ownership of the subsoil, complied with existing laws, and paid their taxes without complaint. On the other hand, they frequently raised questions about the legality of titles held by the larger companies, and they openly supported recognition. For instance, M. N. Bensabat, vice-president of the Norman Oil Corporation and one of Obregón's staunchest defenders, declared that the Mexican president had no intention of depriving American investors of their legitimate rights, and that recognition should be extended to him quickly and unconditionally.[29]

Independent continental producers also favored recognition, but their motives were slightly different and their approach was less direct. They were motivated almost exclusively by a desire to reduce the privileged status of Mexican crude oil imported into the United States by their primary competitors, the large petroleum companies. Among other things, they demanded a tariff on Mexican crude oil, and they vigorously opposed any form of "aid" given to members of the APPM by the State Department. From their perspective, any policy which benefited their rivals constituted such aid, and this included the withholding of recognition from Obregón. The most vociferous complaints along this line came from the Independent American Oil Producers Association, which report-

[28] Van H. Manning, "An Oil Entente," *Bulletin of the Pan American Union*, LII (June 1921), 560–566.

[29] Bensabat, "Taking Obregón's Side," in *New York Times*, July 10, 1921. See also Eben Richards (vice-president, Pierce Oil Company) to Joseph W. Folk, September 28, 1920, enclosed in Folk to Secretary of State Bainbridge Colby, September 30, 1920, NA711.12/324; statements of E. W. Marland (Marland Oil Company), enclosed in George T. Summerlin (Chargé, Mexico City) to Hughes, August 18, 1920, Arthur Williams (Atlantic Lobos Oil Company) to Hanna, December 9, 1922, NA812.6363/717, 1307 1/2; interview with Joseph Guffey (AGWI), published in *El Excelsior*, February 5, 1920, and statements of Guffey, in *New York Times*, December 27, 1920.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

edly represented about 60 percent of petroleum production in the United States.[30]

Although the prorecognitionists were less organized than their opponents, their ranks continued to swell during 1922, and by early 1923 they began to unite behind a demand for the appointment of a joint commission to discuss United States-Mexican problems as the most preferable means of reaching an early agreement and renewal of relations. The idea was promoted most actively by the Tri-State Association of Credit Men, representing local credit unions in Texas, New Mexico, and Arizona,[31] and its appeal found a receptive audience among businessmen not only in the Southwest, but elsewhere in the nation as well.[32]

Department of State Response to Advocates of Recognition

There is little doubt that prorecognition sentiment in the business community increased during the period from 1920 to 1923, and that the State Department was aware of the trend. In November 1921 President Harding wrote to Undersecretary Henry P. Fletcher that he had noticed "a change of front on the part of many interests which heretofore strongly opposed recognizing Mexico. . . ."[33] Early in April 1922 Matthew E. Hanna, chief of the Division of Mexican Affairs, carefully described the extent of pro-Mexican feeling in the United States in a memorandum for

[30] C. J. Wrightsman (Independent American Oil Producers Association) to Hughes, June 19, 1921, NA 600.127/185. For similar sentiments expressed by other independent producers, see A. B. Butler (vice-president, National Oil and Development Company, Oklahoma City) to Hughes, August 26, 1921, Gulf Coast Oil Producers Association of Louisiana and Texas, North Texas Oil and Gas Producers Associaton, Oil Men's Protective Association of Oklahoma and Kansas, Kansas Oil and Gas Association to Hughes, June 10, 1921, NA600.127/241, 177.

[31] The association distributed pamphlets soliciting support from local affiliates of the National Association of Credit Men, other business organizations, and prominent political figures in the Southwest. For an idea of its activities, see T. E. Blanchard (secretary, Tri-State Association of Credit Men, El Paso, Texas) to Hughes, February 24, March 10, 1922, both with enclosures, NA711.12/393, 401.

[32] The impact of the Tri-State Association's campaign can be gleaned from Governor Thomas E. Campbell (Arizona) to President Harding, February 28, 1922, Arthur W. Parry (secretary, Association of Credit Men, Fort Wayne, Ind.) to Harding, March 22, 1922, E. R. Leonard (secretary, Northern Montana Association of Credit Men) to Hughes, March 25, 1922, James Z. George (vice-president, Chamber of Commerce, Dallas, Tex.) to Hughes, April 21, 1922, C. A. Daniels (president, Quaker City Rubber Company, Philadelphia) to Harding, April 25, 1922, George P. Miller (secretary, American Vulcanized Fibre Company, Wilmington) to Hughes, May 3, 1922, and G. A. Ricker (treasurer, Walworth Manufacturing Company, Boston) to Hughes, May 11, 1922, NA711.12/401, 414, 416, 427, 428, 433, 435.

[33] Harding to Fletcher, November 19, 1921, Harding Papers, Box 167.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the secretary.[34] Two months later in a letter to Fletcher, who had been appointed ambassador to Belgium on March 6, 1922, Hanna prophesied that efforts to induce the administration to change its Mexican policy would continue with "increasing force."[35] From his listening post at Tampico, Consul Claude I. Dawson, early in January 1923 reported an unusually high degree of sympathy for recognition among American businessmen who visited Mexico as well as those with firms established there.[36] Dawson's reports were corroborated by similar information filtering into the State Department from private individuals such as John Barrett, former director of the Pan American Union.[37]

The State Department responded to business demands for recognition in several ways. First, department officials attempted to persuade individual businessmen that recognition without adequate safeguards for American property rights would be distinctly detrimental to the national interests. When an executive from the Underwood Typewriter Company called at the department in July 1921, for example, to inquire about the delay in recognition, Undersecretary Fletcher "definitely and emphatically" explained the department's position.[38] And Secretary Hughes told Thomas W. Lamont that the immediate advantages to investors of recognition would "hardly outweigh long run policy," a message Hughes evidently hoped that Lamont would convey to other businessmen.[39] Second, the department took steps to counter the "optimistic" propaganda emanating from Mexico and prorecognition business groups in the United States by encouraging the Department of Commerce to publish a "true statement" of the business situation in Mexico.[40]

Finally, Hughes tried to neutralize criticism of his policy directly. On May 10, 1922, he addressed the national convention of the United States Chamber of Commerce in Washington, D. C. He insisted that if countries refused to recognize valid titles acquired in accordance with existing laws, international intercourse would collapse because the rules under which commercial exchange proceeded would become meaningless. Firm-

[34] "Memorandum for Secretary Hughes," April 6–7, 1922, by Hanna, NA812.00/26097.

[35] Hanna to Fletcher (in Brussels), June 21, 1922, Papers of Henry P. Fletcher, Manuscript Division, Library of Congress, Container 9.

[36] Dawson to Hughes, January 29, 1923, NA812.202/1/2.

[37] Barrett to President Harding, March 20, 1922, enclosed in Harding to Hughes, March 21, 1922, NA812.00/25494.

[38] Fletcher to Summerlin, July 19, 1921, NA812.00/25084 1/2.

[39] Hughes to Lamont, June 17, 1921, NA812.51/725.

[40] Ralph H. Ackerman (chief, Latin American Division, Bureau of Foreign and Domestic Commerce) to M. R. Emmett (BFDC), with enclosures, February 16, 1922, Herbert Hoover Papers (Commerce, Official), Herbert Hoover Library, West Branch, Iowa.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ly denying that the administration favored one set of businessmen over another, he stated that the primary object of the administration toward business was "to keep open the course of fair and equal opportunity."[41]

While these efforts by State Department officials to "educate" businessmen toward a proper understanding and appreciation of the department's Mexican policy may indicate a concern about the status of business opinion, they certainly did not reflect any change of attitude within the department. Hughes's principal advisers on Mexican affairs—Undersecretary Fletcher (until his appointment as ambassador to Belgium), Hanna, and Summerlin—all of whom had served in Mexico under President Wilson and had come to oppose what they regarded as Wilson's "soft" policy by 1919–1920,[42] continued to view the Constitution of 1917 as representing a distinct threat to American investments in Mexico, and to characterize the Obregón administration as one that was contaminated with bolshevism. All three shared a conviction that the best means of obtaining protection for American rights in Mexico, given the fact that armed intervention had for all practical purposes been rejected as a policy alternative, was through the signature of a formal treaty containing clear and explicit guarantees. They did not believe that an internal Mexican program consisting of legislative enactments, executive decrees, and Supreme Court decisions could provide a satisfactory substitute for a treaty, and they counseled Secretary Hughes accordingly.[43] Hughes, who had entrusted the day-to-day implementation of Mexican policy to them, readily accepted their advice.

By the fall of 1922, however, it was becoming increasingly difficult for Hanna and Summerlin to justify an inflexible stance toward Mexico, particularly after Hughes stated in a speech in Boston on October 30 that the United States was "not insistent on the form of any particular assurance to American citizens against confiscation."[44] By the time

[41] "Some Aspects of the Work of the Department of State," address reprinted in *American Journal of International Law*, XVI (July 1922), 355–364.

[42] Fletcher had been appointed ambassador to Mexico in February 1916; he resigned his post in early 1920. Both Hanna and Summerlin served at the Embassy during Fletcher's tenure as ambassador. For an indication of Fletcher's attitude, see, for example, "Memorandum for President Wilson," August 18, 1919, NA711.1211/187; Fletcher to Secretary of State Robert Lansing, December 11, 1919, and Fletcher to Wilson, January 3, 1920, Fletcher Papers, Containers 7, 8.

[43] Fletcher to Summerlin, September 9, 1921, memoranda for Secretary Hughes, by Hanna, April 11, 24, May 10, 1922, NA812.00/25169A, 26097; Summerlin to Hanna, October 6, 1922, NA812.6363/1219; Hanna to Hughes, May 12, June 19, 1922, NA 711.1211/52, 36; Summerlin to Hanna, April 8, May 5, June 8, 1922, Embassy, Mexico City, File 710; Hanna to Fletcher, June 21, 1922, and Summerlin to Fletcher, July 10, 1922, Fletcher Papers, Container 9; Fletcher to Harding, November 14, 1921, Harding Papers, Box 167.

[44] Hughes's speech was printed in the *New York Times*, October 31, 1922.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the secretary delivered his speech, it had become clear to many observers that conditions within Mexico had definitely improved, and that the Mexican government had taken a series of steps in the interests of American investors. These included the signing of the Lamont-De la Huerta Financial Agreement on June 16, 1922 (ratified in September 1922), which provided for the resumption of payments on the defaulted Mexican external debt;[45] the adjustment of a bitter tax controversy between the government and American petroleum firms in the fall of that year;[46] and, also in the fall, the establishment of a legal precedent by the Mexican Supreme Court protecting petroleum properties on which some development had occurred prior to the promulgation of the Constitution of 1917 from the application of Article 27.[47]

As a result of these developments officials in the State Department revised their original estimates of Obregón and his administration. They now began to view the Mexican leader as the strongest available bulwark against radicalism in Mexico, and to believe that an accord with him was the best means of encouraging stability in that country. In late January 1923 Hanna reevaluated United States relations with Mexico in a lengthy memorandum for the secretary which stressed the Obregón regime's domestic accomplishments, and its efforts to meet its international obligations.[48] The following March, when Hughes was already weighing the possibility of a joint commission to discuss the outstanding problems between the two countries, Hanna urged him to abandon the treaty demand altogether and to accept a written statement from Obregón assuring that American property rights would be fully respected.[49] "The great advance which Mexico has made under General Obregón," Hanna wrote, "towards stable and efficient self-government (employing the adjectives in a comparative sense and with a sympathetic understanding of the difficult conditions surrounding him) would appear not only to jus-

[45] For information on the financial agreement, see Jan Bazant, *Historia de la dueda exterior de México (1923–1946)* (México, 1968), pp. 186–193.

[46] On the negotiations concerning oil taxes, consult Lorenzo Meyer, *México y el Estados Unidos en el conflicto petrolero, 1917–1942* (México, 1968), chaps. 4–5.

[47] Translations of the Supreme Court decisions are enclosed in Summerlin to Hughes, July 17, 1922, NA812.6363/1160.

[48] "Memorandum for Secretary Hughes," by Hanna, January 26, 1923, enclosed in Hanna to Summerlin, January 27, 1923, Embassy, Mexico City, File 710.

[49] It is interesting to note that early in the Harding administration Secretary of Commerce Hoover had advocated precisely this method of dealing with Mexico. Motivated by a desire to remove all unnecessary obstacles from the export markets of the United States, he was the only important figure in the administration to question the wisdom of withholding recognition from Obregón. His efforts to press his view were rebuffed by Hughes. See Hoover to Hughes, April 15, May 27, and Hughes to Hoover, May 28, 1921, NA812.00/24978, 25010 1/2.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tify this Government in accepting much that it could not accept two years ago but compel it in justice to do so."[50]

In presenting his case for a change in policy, Hanna cited as an incidental benefit the generally positive effect a settlement would have on public opinion in the United States. All those miscellaneous American interests whose prosperity were tied to conditions in Mexico, he asserted, would welcome the resumption of relations. At the same time, Hanna professed that he could see "no good reason why the American owners of petroleum interests and large landed estates should complain when they understand that the Department is improving its position for their protection."[51]

The petroleum interests, however, found it difficult to understand precisely how the department was "improving its position for their protection," especially after they learned about the terms of the so-called Bucareli Agreements, which became the basis for recognition.[52] At first, they tried to persuade Hughes to hold out for a treaty as the only means of adequately protecting their interests. When Hughes proved unresponsive, they tried to exert pressure on him indirectly through Secretary of the Treasury Andrew W. Mellon, who agreed to intercede in their behalf. But Hughes wanted a settlement with Mexico, and he was no more inclined to heed an appeal from Mellon than he was from the oil men directly. Thereafter the oil men, unhappily to be sure, resigned themselves to accepting the secretary's position.[53] Recognition was extended to Obregón on August 31, 1923, and the public announcement was fol-

[50] Hanna to Hughes, March 23, 1923, NA711.12/541.

[51] Ibid.

[52] The Bucareli Agreements contained three instruments: (1) a general claims convention covering mutual claims originating since July 4, 1868; (2) a special claims convention covering claims of United States citizens against Mexico for revolutionary damages suffered between November 1910 to May 1920; and (3) a set of official minutes embodying certain "understandings" reached on the controversial agrarian and petroleum issues. Briefly stated, on the agrarian question, the United States surrendered its insistence on immediate cash payment to its nationals in Mexico for lands expropriated for *ejidos* (communal lands) and agreed to accept instead federal bonds as adequate compensation, while the Mexican government agreed that such payment would not constitute a precedent for future expropriations of any kind of property and also agreed to limit the size of *ejidos*. On the subsoil issue, the Mexican commissioners pledged that the Mexican government would respect the Supreme Court decisions declaring that Article 27 of the Mexican Constitution of 1917 was inapplicable to American-owned oil properties acquired prior to May 1, 1917, on which some "positive act" of exploitation had been performed, and they broadly defined such acts.

[53] See Guy Stevens (APPM) to Hughes, August 13, 24, 1923, NA812.6363/1438; Hanna to William Phillips (undersecretary of state), August 27, 1923, NA812.6363/1440.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

lowed by many statements in the press heralding a new dawn of commercial prosperity for Mexico and the United States.[54]

Conclusion

It is difficult to measure precisely the impact of prorecognition pressure on the State Department. Public-opinion studies indicate that organized business groups have a better chance than any other interest groups of influencing foreign policy, especially when they can show that a particular policy decision has caused or will potentially cause a clear economic injury, and the issue involved has a low crisis level.[55] The recognition question certainly was not a crisis issue, but prorecognition businessmen were generally unorganized, and consequently their pressure was diffuse. Moreover, their requests were screened by officials who were distinctly indisposed to listen, and who tended in any case to interpret selectively incoming expressions of opinion.

The State Department's decision to extend recognition to Obregón in August 1923 clearly resulted more from concessions made by Mexico than from business pressure in the United States. In a sense the policy was changed because it had achieved a measure of success, and because officials in the State Department perceived in this case the limitations of nonrecognition and financial pressure as diplomatic weapons. It would have been fruitless for Hughes to continue to insist upon the signing of a treaty, and probably counterproductive as well, given the fact that Obregón had proved his ability to survive without recognition, and that he had demonstrated his willingness to reach reasonable compromises with the United States.

In a more general sense, the controversy among businessmen over the recognition of Obregón vividly demonstrates one of the major problems encountered by policy makers when they attempt to justify a particular policy in terms of the "national interest." No matter how the national interest is conceived, policies designed to serve it will benefit some economic interest groups and harm others. In the Mexican case, the long-

[54] "Mexican Recognition as a Spur to Business," *Literary Digest*, LXXVIII (September 15, 1923), 13.

[55] For an instructive specific example, see the discussion of the impact of the West Coast tuna fishing interests on the negotiations during 1951 leading to the North Pacific Fisheries Convention in Cohen, *The Political Process and Foreign Policy*, pp. 253–277. Consult also Lester W. Milbrath, *The Washington Lobbyists* (Chicago, 1963), Part IV, and Theodore J. Lowi, "Making Democracy Safe for the World: National Politics and Foreign Policy," in Rosenau (ed.), *Domestic Sources of Foreign Policy*, pp. 295–331.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

range goals pursued by Secretary Hughes coincided with the self-interest of the oil men and the landowners and conflicted with those of the manufacturers and exporters. Consequently, after Hughes formulated the nonrecognition policy, he found himself in the rather awkward position of apparently denying support to some sectors of the business community when he seemed to be providing it for others. When the policy was altered in the spring of 1923, policy makers within the department rationalized the change in part on the basis that it would satisfy all those interests desiring a change and not injure those which had been opposed to a change.

This study also underscores the fact that the business community is not internally cohesive. Functional, organizational, dimensional, geographical, and other differences between firms create competing sets of interests, and these in turn often stimulate still other interests outside of the business community. Within a framework of conflicting demands, the policy maker is virtually free from all demands. This is particularly true in cases such as those involving the recognition of new governments, where the individuals responsible for the policy decisions normally do not have to share the selection of alternatives with the legislative branch or other officials in the executive branch. As Lester Milbrath has pointed out, the narrower the decisional system, the less susceptible it is to external pressure.[56]

Another important implication arises here. While many historians and political scientists equate access with influence, it is apparent that the two are not equivalent. Simply because businessmen maintain friendly relations with certain policy makers and are received cordially at the State Department does not in itself constitute proof that business opinions influence policy decisions. Although it is quite true that influence cannot be exerted without access of some kind, scholars frequently overlook the fact that open doors at the Department of State also give policy makers opportunities to present their side of any particular issue directly to representatives of the business community.

In the final analysis, it would appear that some of the assumptions commonly made by historians and political scientists about business influence on foreign policy do not survive empirical tests. Perhaps Bernard C. Cohen was correct when he wrote a decade and a half ago that "while business groups seem to be the most effective of the various types of interest groups, they are nevertheless only mildly influential and then only with respect to a rather narrow range of economic issues which comprise only a small proportion of the fundamental issues of American

[56] Milbrath, "Interest Groups and Foreign Policy," pp. 235–237.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

foreign policy."[57] But we will not be able to prove this with any degree of certainty until we have many more case studies of business efforts to influence specific policy decisions, particularly with respect to the executive branch.*

[57] Cohen, *The Influence of Non-Governmental Groups on Foreign Policy-Making*, p. 20.

* This is a revised version of a paper delivered at the Missouri Valley History Conference in Omaha, Nebraska, March 8, 1973.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The Role of Trade Unions in Poland

HOWARD T. LUDLOW

In the traditional view of American trade union leaders, a labor union without bargaining power over the wages of its members is analogous to a "1984" nonperson. At best, such an organization of workers would be a mockery; at worst, it could not exist for very long and hope to retain the loyalty of its membership. It is, therefore, rather difficult for those whose knowledge of the labor movement has been limited to unions operating in a free enterprise system to accept the legitimacy of socialist trade unions in a controlled economy.

And yet, in at least one Communist nation—Poland—a powerful and influential labor structure offers job protection, administers a vast program of worker housing, provides for cultural and recreational needs, cooperates with state medical programs, and even "bargains" to a limited extent on certain types of monetary issues. Granting that the CRZZ (the Polish counterpart of our AFL-CIO) is an instrument of state planning and recognizing that strikes are anathema to Communist thinking, it would be a mistake for the industrial relations scholar to ignore the functions, structure, and philosophy of a labor movement which enrolls about 95 percent of the working people in Poland, or about 10.5 million members in a population of 33 million.

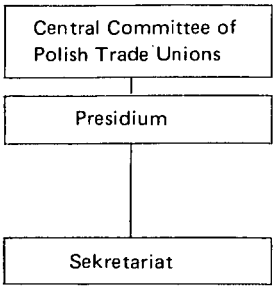
Structurally, a chart illustrating the Polish labor union system would closely resemble Figure 1.

HOWARD T. LUDLOW is professor of industrial relations in the School of Business Administration, Seton Hall University. This article is based upon research done during the spring of 1973 as an exchange professor at the Central School of Planning and Statistics in Warsaw.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

FIGURE 1

The Structure of the Polish Labor Union System



(Made up of 180 branch representatives; meets every three months.)

(About 20 members, including vice-presidents, secretaries, chief of the trade union press, general inspector of labor, some branch union presidents and workers.)

(The president, 3 vice-presidents, 5 secretaries. Secretaries do trade union work exclusively; vice-presidents also represent the government.)

What in the United States would be called "national" or "international" unions are known in Poland as "branch" unions. However, the problem of jurisdiction which sometimes afflicts American unions is nonexistent in Poland where twenty-three branch unions each represents a specific industry and where only one union may enroll workers in a given plant in accordance with the ministry that supervises that plant. The branch unions in turn may have from one to seventeen local unions, depending upon how many of Poland's seventeen administrative regions relate to the industry covered by a particular branch. For example, the coal union is active in only one region—Silesia—and thus has only one local. In addition to the seventeen established regions within the Polish structure, there are also about 250 subregions. Regional and subregional trade union committees coordinate the activities of local unions and plant units.

Union Financing and Distribution of Revenue

Labor unions are financed out of a standard assessment of 1 percent of members' wages, plus some small profits from films and similar social and cultural events. A typical financial breakdown is for 60 percent of the dues money to remain in the plant, but some unions retain only half of their funds at the plant level. When a 60–40 split is used, the dues money that leaves the plant may be distributed as follows:

16 percent to the local union
16 percent to the branch union
8 percent to Trade Union Headquarters

Of the share received (i.e., 16 percent) by the branch union, 7 percent will go for administration and organizational conferences, 5 percent for investments in sanitariums and recreation houses, and the remaining 4

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

percent for social and cultural matters. This last item is a reserve fund for sports and for assistance to smaller plants which lack sufficient union revenue because the uniform 1 percent dues payment does not raise enough money for their program needs. Some of the 8 percent share that is sent to headquarters is used for the international labor movement. In theory, the labor federation equalizes the financial position of poorer unions for social purposes, but this attempt does not amount to very much because of the limited money that is available.

Partly because wages from top to bottom in Poland are not spread out very far and partly because of socialist trade union philosophy, no Polish labor leader receives a high salary for the work that he does in the union hierarchy. Unlike our system that rewards labor executives with appropriate compensation, CRZZ leaders (and their management counterparts) will never get rich from their jobs. The small corps of "professional" union officers at the plant level are paid at their average wage for the three-year period prior to their election to union office, so that they do not benefit financially from their positions. Even this group of "professionals" will be small in number and subject to change at the election held every three years.[1] It is interesting to note that a combination of too much responsibility and worker dissatisfaction has led to the frequent replacement of most union officers at many plant elections, so that the financial rewards of union leadership are certainly not much of an incentive for a man or woman to seek office. Although there is a move under way for the terms of office at central union levels to extend beyond the customary three-year period, this proposal is being resisted by lower echelons in the trade union movement.

Strictly speaking, union membership is voluntary in Poland and there is no "union shop" or "closed shop" as our AFL-CIO would understand these terms. However, to use a somewhat similar analogy regarding American labor terminology, Polish law does provide for a kind of "preferential hiring" under which a union may insist that plant management receive union permission before taking on a new employee. This approach to hiring will depend upon the state of the labor market; its intention is to promote the hiring of a family man with children before management may sign up single workers.

As may be expected, a very high percentage of all workers seek to join a union at their place of employment, and all are covered by some type of labor organization with the exception of the militia (police) and the armed forces. Some who do not join a union object to paying the fee

[1] For example, at the Ursus Tractor Works near Warsaw, of 600 holding union office among the 14,000 workers, only 11 were in the paid "professional" category in March 1973.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

(even though it is only 1 percent of their wage) and others are rural people who work part time in industry and who do not bother with union membership. In an approach that is not unlike the National Labor Relations Board (NLRB) attitude toward the proper representation of everyone who is in a bargaining unit, Polish law requires the plant union to protect nonmembers as well as members against improper discharge, even though nonmembers do not enjoy the social and cultural benefits that are offered by the union. There is another side to this coin, however, and unions may reject applications from workers who are regarded as "immoral"—alcoholics or ex-convicts—although such people will receive the same wages as those who are acceptable to the union. One reason given by union officials for their unwillingness to accept certain potential members is that if elected to union office such individuals cannot be fired during their term in office or for two years thereafter, and the union fears being obligated to protect such "immoral" people.[2]

In the realm of worker protection, a form of grievance handling and arbitration exists in Poland, despite the fact that union officials do not emphasize the activity and stress that the number of cases is declining. It is the CRZZ position that unions do a good job of representing worker interests at a low level, so that a phone call between a union president and a plant manager usually leads to the satisfactory settlement of any issue. Therefore, such an informal approach is to be preferred to the more legalistic route of arbitration.

However, a worker may present a claim (i.e., file a grievance) by first sending it through his department and division levels before moving on to the arbitration step. A "compliance" panel made up of four people (two selected by management and two elected for three-year terms by the union) will hear the case and decide the issue. To a large extent, the decisions tend to be one-sided in that all four members of the panel have to be approved by the "plenum" and one of the union members is given two votes on each case because he acts as panel chairman. Should the complainant not receive a decision to his liking at the plant compliance panel level, he may try again at the arbitration panel operated by the union's central office; if still dissatisfied, he may take his problem to the courts. Regardless of the reasons advanced by the Polish unions for the low number of arbitration cases and the high degree of success scored by union officials dealing informally with plant managements, it seems obvious that the one-sided makeup of the compliance panels must certainly discourage industry officials from opposing grievances submitted by unions despite the merits of specific cases.[3]

[2] Of the 14,000 eligible to join the Metal Workers Union at the Ursus plant, 98 percent belonged to the union, but 286 were not members.

[3] For example, a typical case might concern a plant that posted a list of special bo-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Unions and Wage Determination

The Polish labor movement may appear to have some similarities to American unions in regard to structure and organization, but the CRZZ and the AFL-CIO are far apart on the issue of collective bargaining. Whereas a union in the United States will devote vast amounts of money and energy to its role as a negotiator on behalf of its members, the Polish union regards itself as part of a socioeconomic plan that is not based on labor-management conflict and in which "no boats are to be rocked." Thus wages are not determined by union action at the plant level or by any process remotely resembling collective bargaining, but the labor movement can indeed exert considerable pressure at the ministry level where wages for various occupations are established in the first place. In addition, wage amendments may be made annually, so that unions have at least a once-a-year opportunity to argue for improvements in the financial position of their members.

If a broader view is taken of wages, particularly at the plant level, Polish unions show more economic power than students of American labor expect of them. For example, plant bonuses are subject to adjustment by joint union and management action, and management may not change work standards without union permission. Nor may a man be fired from his job without union approval. Overtime may be required of a worker only when sanctioned by labor, and the trade union movement discourages people from going after too much overtime because it is considered to be antisocial.[4] Should a wage adjustment for a particular plant be looked upon favorably by both union and management at that lowest level, both sides could be expected to promote the proposal up through the economic and political system along the lines shown in Figure 2.

An important area of income for workers is the "thirteenth-month salary" which represents for each employee a specific share of the "profits" of the enterprise. Although the distribution formulas vary to some extent according to the success of the particular business activity, an average of 7 percent of the salary and wage money is for the plant fund. For example, in industry, 5.5 percent goes into the fund for 100 percent performance of goals and the figures vary for results that are either higher

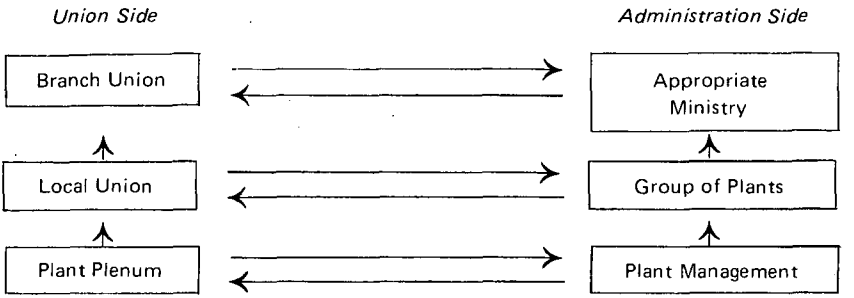
nus awards for seven days, during which time anyone left off the list or feeling that the amount next to his name was inadequate, could make a claim. If unhappy with the responses obtained at department and division levels, he could institute a grievance.

[4] The normal work week is 46 hours—five 8-hour days and 6 hours on Saturday. Some scientific jobs follow a 42-hour week of six 7-hour days. The agricultural union recently voted for a 46-hour week, but Polish economists fear that the result will be excessive overtime during busy harvest seasons. The older practice had been to average out overtime for farmers.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

FIGURE 2

Interaction on Wage Increases



or lower than 100 percent. On average, 55 percent of the plant fund then is used for premium bonuses and there may be further financial recognition for meritorious work of a special nature. An illustration of this is in the shipping industry where longevity allowances and a special payment from the government to those who have assisted in export growth constitute additional income for the workers. However, no matter how successful an enterprise may be in surpassing its goals, no one may receive a bonus that exceeds three times his monthly salary, on the principle that all must be within the same general income limits in Poland. The same kind of social reasoning is used to explain the illegality of exchanging cash value for a fringe benefit (i.e., offering to take money in lieu of a vacation).[5]

Assuming that 55 percent of the plant fund is to be used for bonus purposes, it is in the allocation of the remaining 45 percent that Polish unions show their strength. An annual proposal is submitted by each union treasurer to his executive board for its analysis and approval, so that it is not unusual for heated debate to occur before a distribution formula is ratified. Certain fund categories are specified by law, but other allocations vary from year to year and from union to union. In keeping with the argument advanced to this writer by one union leader that "profits are profits, but social action is social action," workers do not hesitate to express their thoughts as to how the social aspect of the plant fund should be expended.

A typical breakdown of the 45 percent part of the plant fund that is outside of the "thirteenth month" payment concept puts aside 20 percent for social action (everything from cinemas to hot meals) and 25 per-

[5] For a fuller discussion of some of these points, see Edward Marek, "Workers' Participation in Planning and Management in Poland," *International Labour Review*, 101, no. 3 (March 1970), 271–290.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

cent for housing purposes. Under the first heading, a union may sponsor athletic teams, arrange holiday excursions, hire classical or popular entertainers, publish a newspaper, or engage in just about any kind of recreational or cultural activity of interest to the membership.

Even retired union members continue to benefit from these programs and they pay a very small amount to the union treasury as a symbol that they are part of the group where they once worked. As a result of World War II, the average age of the population is low and many of the older workers have retired in recent years because of the lowered pension age —basically sixty-five for men and sixty for women, but five years earlier for both in certain jobs. Although pensions are centralized in the governmental social security system, the amounts paid are low and pensioners look forward to the additional benefits provided by union social programs. As may be expected, some unions (i.e., metal workers, coal mining) are much older and richer than others, so that they are able to offer more to their members.

Union Social and Cultural Activities

When a union wishes to invest in a hospital, a theater, or a summer camp, its plans must be coordinated with other state agencies. It is obvious that duplication of facilities would be wasteful, so that in practice a union may decide *where* something social or cultural is to be built, but not *if* it is to be built. Paid vacations and recreational programs are recent activities for many former Polish peasants, and this has led to new type demands and problems for union planners.

Medical programs are popular, and it is possible for a union to have a hospital associated with a particular plant. Such an institution would emphasize physical therapy and would very likely have as its directress (a high percentage of Polish doctors and dentists are women) a specialist in industrial medicine. She and the rest of the staff would be assigned to the facility by the state, but such a union hospital would not handle nonemergency cases. It would all be part of a plan that is designed to teach a new skill to a disabled worker who would go from the hospital to a technical school, all the while receiving his regular wages. Officially, all medical care in Poland is free, but the writer received occasional hints that the "hotel" part of hospital care (i.e., room and board) might be better if the patient paid some additional money for it. Fortunately, as a hospital visitor and not as a patient, this rumor could not be verified, and the impression left with the visitor was one of cleanliness and apparent efficiency in union hospitals.

On the more elaborate side of the union social picture is a summer vacation center operated by the Metal Workers Union and located about an

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

hour drive outside of Warsaw. In a heavily wooded area that had once been a wartime battleground, the union has set up dozens of cabins, an olympic-sized pool with its own water treatment plant, playground areas and athletic fields, and dining facilities. Used by Ursus employees who travel to the area by bus for two-week vacation periods, the camp is maintained by sixty full-time employees during the summer season, although some volunteer work is done by union members throughout the year. Employees pay a modest fee to attend the center which provides them with everything needed from food to linens.

A separate and adjacent area has been erected for preteenage children of Ursus employees. The young people live in a modern motel-like building and have their own cafeteria, library, and other facilities. Union officials admit that the vacation center is popular with families, but that it does not appeal very much to those without children or to single employees. While obviously a well-run and desirable example of how a union might invest its social money, it also illustrates the problem of satisfying the varied recreational interests of a large number of workers. The popularity of the special childrens' camp quite accidentally brought out another difficulty found in Poland—namely, that low wages force many parents to "moonlight" on other jobs during their vacation periods while simultaneously sending their children off to camps such as the one described.[6]

An important problem throughout Poland is the shortage of housing, and the labor movement is one of the prime forces in a vigorous effort to provide homes for people throughout the country. Thus the 25 percent of plant funds devoted to the housing area is a vital part of the union role. In some cases rents may be subsidized (i.e., low wage earners may have up to 80 percent of their rents eliminated), and in other cases the union and its related enterprise may finance and erect housing for the workers. There is some private home building in Poland, but most construction is either state housing for those with low incomes (less than 1200 zlotys per month) or cooperative housing that often is sponsored by unions for their members. Because the average wage was about 2500 zlotys per month in 1973 and the down payment on a cooperative apartment ranges from 8000 to 15,000 zlotys, some unions pay half of this fee for their members, while other unions erect their own cooperatives as an investment. Under either approach, a list of names of eligible people is posted and

[6] Justifiably proud of their recreation center whose original cabin (made of the wood left over from Ursus machinery crates) still stands, union spokesmen admit that social conscience in Poland does not prevent the occasional vandalism of camp plumbing fixtures during the winter time; thus they are removed and stored after the season ends.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

objectors to the position of anyone on the housing list have two weeks in which to submit their complaints. Theoretically, everyone has an equal chance once he is on the waiting list, but this does not mean that those with specific skills or professions will not be given preference. The result is a five-year wait for an apartment, and the problem is further complicated because low wages in the construction industry have led to a shortage of trained building tradesmen.[7]

As might be expected in a planned economy, Polish trade unions are required to adhere to rather rigid limitations in their activities. Thus the various social investments have an acceptability among the workers that might not be the case in a free enterprise economy. For example, there is no way to determine the actual popularity of these programs because employees are not permitted to accept the cash spent on social benefits even if they were of a mind to do so. In addition, the financial positions and membership strengths of various unions are not uniform.

Some Flexibility within the Planned Economy

Despite certain standardizations, however, the labor movement does provide for unusual situations and requirements. Good illustrations of such special provisions are found in the coal mining and shipping industries. In the latter, for example, Polish seamen work on a year-round basis for one of two steamship companies which hire 30 percent more crewmen than they need. This allows everyone to receive a month vacation and the equivalent of another month off to cover holidays and sick leave. Seamen may not select the ships on which they serve, but may protest to the union if they have received unfair rotation in assignments (such as too many long voyages or too many trips to an undesirable climate). On board ship, everyone belongs to the union and there are elected committeemen to handle food complaints and to supervise recreation. It is of interest to note that until about 1957 a Communist party official was also on board as an adviser to the captain of each ship. Nowadays, only about 10 to 20 percent of the crew will belong to the party and a similar percentage of younger crewmen belong to youth organizations.

Just as there are no longer any party representatives to assist ship captains, there has been a similar liberalization of many other aspects of working life. Headquarters of the CRZZ still supervises the union implementation of new methods and techniques in the different industries throughout Poland. There is also a centralized control over "competi-

[7] Because of the power exercised by unions over housing, it is not unreasonable to assume that workers who might otherwise express occasional dissatisfaction with their leadership may be reluctant to do so while waiting years for a place to live.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tion" among teams of workers in plants and great influence over housing matters. And while trade unions handle recreation places, cultural matters come under the appropriate state ministry. Indeed, some union functions (i.e., safety inspections) are going to be taken over by the government, thus emphasizing the union role at the plant level.[8]

However, the point to note is that unions are free to act within many areas of Polish life as long as certain regulations and priorities are observed very carefully. Admittedly, collective bargaining and strike action are unacceptable in Poland, and the stress of union activity is on social goals. Granted also that even some of the social negotiations of unions are limited and that the 1 percent of wages which finances the labor movement is inadequate because wage levels are low. When a union does express interest in what is in fact something socially desirable, it may still find itself somewhat restricted in that many items that are negotiable in the United States are already legislated in Poland.[9] Then too, recreation centers and holiday trips which bring the same people together on both job and vacation may lead to boredom and morale problems instead of accomplishing their social purposes.

Despite the obstacles and somewhat to the surprise of an American observer, the Polish labor movement does indeed exhibit a fair degree of independence. It has the support of most workers and can rely upon the force of negative public opinion to overcome difficulties that would lead to strikes in the United States. It has the power to influence the removal of uncooperative managers. If strikes do not occur, perhaps the workers realize that they simply cannot afford to miss the wages that would be lost during a work stoppage, or possibly, they truly accept the social programs of their unions as substitutes for the economic conflicts that so often characterize American unions.

In summary, Polish unions have a vital role to play in that socialist nation. Although different in concept from our version of a labor movement, it would be a serious error to underestimate their function and an even more serious mistake to act as though they lacked influence because of the absence of collective bargaining.

[8] For a review of the economy during an earlier period, see Adolph Sturmthal, "The Workers' Councils in Poland," *Industrial and Labor Relations Review*, 14, no. 3 (April 1961), 379–396.

[9] For example, the law already provides special benefits for women. They receive up to sixty days off a year with pay to care for sick children and may take up to three years off without pay but with job protection and full benefits to care for young children of school age.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Book Reviews

The Real America: A Surprising Examination of the State of the Union *by Ben J. Wattenberg, with an introduction by Richard M. Scammon. New York, Doubleday & Company, Inc., 1974.—xvi, 367 pp. $10.00.*

A writer who announces in his subtitle that his book will "surprise" the reader has his neck out. But no one is likely to decapitate Ben Wattenberg. His book does surprise, and for the reason he gives: we have all been so absorbed in the bad news about America these past few years that we have been largely unaware of the tremendous progress that, by most important measures, has been made.

Who, for instance, will not be surprised by at least one of these facts that Wattenberg presents: Poverty was reduced by half in the 1960s. Substandard housing was cut by more than half. The poor are getting a larger share of the national income, the rich a smaller share. Fewer than 10 percent of dwelling units in central cities are overcrowded. Much of the increase in crime (one-third to one-half) is due simply to the temporary population bulge in the youthful age brackets. The income gap between blacks and whites is closing—not widening. So is the education gap; and the home-ownership gap; and the job gap. Among black teen-agers, only 6.6 percent were out of school and unemployed in 1972. People were happier in 1973 than in 1970, or 1947. Ninety-three percent expected to be as happy or even happier in the future. Eight out of nine workers are satisfied with their jobs. Confidence in American institutions, after a precipitous drop, has been gaining since 1971 (except, of course, for the executive branch of the United States government).

These generalizations, and many others, are based on a wealth of data, assiduously tabulated and honestly interpreted. But Wattenberg's aim is not just to present hard data. He fires his statistics like so many bullets at a chosen target: the "Failure and Guilt Complex" that "came quite close to dominating the intellectual discourse of our time" (p. 7). After the long tour through the

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

data, on returns to the F & GC quotations in Chapter Two—largely from the New Left but also from such establishment spokesmen as Senator Kennedy, John Gardner, and *Time* magazine—and wonders how they ever could have said such things.

The author does not gloss over the unfavorable statistics. He reports on the rising rates of crime and of dependency, and he recognizes that "side effect of progress"—environmental degradation. Some readers may feel that, in his enthusiasm to praise America, he overweighs the good news and plays down the bad. Some may feel his satisfaction in material progress and his unfailing optimism that materialism can be reconciled with other values border on complacency. But these are judgments, and he makes a powerful case for his. If he is an incrementalist, he argues well that incrementalism is truly producing revolution.

As for the turmoil of the 1960s—Vietnam, the youth rebellion, the riots—Wattenberg turns the New Left interpretation upside down. That the country survived and came out wiser—adopting much of what was constructive in the protesters' demands—is evidence not of America's sickness but of its health. America can cope, is his message. A "humanitarian materialism," a "materialism without waste," can be achieved. And to political liberals he addresses a special message: Stop apologizing and begin boasting. Liberalism has worked.

Some readers will like the author's ostentatiously racy, copywriter's style; others will call it overwriting. All will be jarred by occasional garbled sentences (pp. 253, 254, 315) and garbled numbers (pp. 221, 296). But these are details; this reviewer intends to dig into his own pocket to buy copies for some people of his acquaintance who have long needed just this antidote for their notion that American is a "sick society." And that, surely, is the ultimate compliment a reviewer can pay an author.

JAMES L. SUNDQUIST
The Brookings Institution

Jaws of Victory: The Game-Plan Politics of 1972, the Crisis of the Republican Party, and the Future of the Constitution *by The Ripon Society and Clifford W. Brown, Jr. Boston, Little, Brown and Company, 1974. —xxii, 394 pp. $10.95.*

This study of the 1972 presidential election and the current woes of the Republican party continues the tradition of informed opinion, cogent argument, and careful data analysis we have come to expect in publications of The Ripon Society.

In a very real sense, *Jaws of Victory* is two books. Much of the volume—the most valuable sections in this reviewer's opinion—comprises a collection of

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

data, descriptive materials, and related interpretation on aspects of the contemporary party system. Examples here are the sections on the structure of the Committee to Re-Elect the President (pp. 49–73), the changing relationship of the labor movement to the Democratic party (pp. 159–186), Republican and Democratic financial sources in 1972 (pp. 243–262), and competing power centers in the GOP (pp. 263–308). Through careful research and informed commentary, Brown and his associates have brought together a wealth of material for students of the party system.

Running throughout the text, however, is another type of argument, a theme boldly etched, purporting to explain the current state of party affairs. Here is a "thesis" book, insisting that the 1972 contest represented the triumph of "strategic politics" and decrying that development.

The argument can be summarized briefly. The leadership of the Nixon administration, including the president himself, came to follow a course outlined by other political actors over the 1960s. Emphasis was placed almost exclusively on management technique. Elements of strategy were allowed to *define*, rather than simply advance the attainment of public goals. Concern with principle vanished. In a massive manipulative game, tactics became everything. Watergate was a natural consequence of this mentality:

> the more the hyperstrategist looks at other people in strategic terms, the more he realizes that there are a wide range of things they *might* do to him in order to win. . . . He simply cannot afford to ignore all the things that the opposition—now the enemy—just might do. . . . It is easy to see how this form of strategic thinking leads directly to an excessive concentration on security measures and even on intelligence and counterintelligence operations to forestall the *possible* plots and measures the opposition might be dreaming up, even if, in fact, they are not thinking in these terms. This extreme form of contingency thinking was widespread throughout the hierarchy of CREEP (p. 95).

The authors of *Jaws of Victory* want public officials who will attend effective to policy, do what they tell the people they will do, act with loyalty toward their backers, respect their democratic opponents, and chart a bold course for the country. They abhor a preoccupation with strategy, public relations, electoral technique, playing politics for immediate electoral victory. They believe the latter approach is subversive of the constitutional order, and just plain bad politics as well. This reviewer shares their concerns.

But the question remains whether the current state of the party system—as opposed to the behavior of the men of Watergate—has much to do with the ascendancy of "strategic politics." The authors favor responsible party government, and fear the growing power of extraparty electoral organizations like CREEP with their bevy of public relations experts. They fail to present, however, any solid argument indicating that a new politics of ad hoc campaign organizations appealing to an electorate less tied to parties in the traditional sense must be less democratic or less supportive of thoughtful attention to cen-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tral public issues than the old party politics has been. They fail to demonstrate that the contemporary generation of politicians are really more concerned with "strategy" than their counterparts of times past.

Watergate occurred. Its results are deplorable. But to build upon its occurrence a whole new interpretation of electoral politics seems to bow too deeply before a set of proximate—admittedly dramatic—developments. Watergate is much more of a commentary on the mentality of the Nixon administration and on the fierce passions aroused by the events of the late 1960s and early 1970s than it is an indicator of a new and threatening type of party system.

EVERETT CARLL LADD, JR.
The University of Connecticut

The Rise of Guardian Democracy: The Supreme Court's Role in Voting Rights Disputes, 1845–1969 *by Ward E. Y. Elliott. Cambridge, Mass., Harvard University Press, 1974.—xi, 391 pp. $15.00.*

The thesis of this book is that the United States Supreme Court was conned into propounding the rule of "one person, one vote" by an assorted group of intellectuals and organizations who thought of themselves as Guardians (capitalized throughout) of the democratic ethic. They assured the Court and the country that adoption of the Fundamental Principle (also capitalized throughout) of equal representation for equal numbers would strengthen federalism, invigorate representative government, help solve the urban problem, produce a new breed of legislator, and banish public cynicism, disillusionment, and apathy. A decade of experience, the author charges, has proved that the Guardians were mostly mistaken, their counsel shoddy, and their rhetoric half empty.

The Guardians are defined and distinguished from Plato's Guardians, the American Establishment, and the common run of reformers, progressives, and Eastern liberals in a long footnote (pp. 301–303). (Incidentally, the page numbers given in the table of contents bear no relationship to the actual pagination of the book.) The Guardians are described elsewhere (p. 11) as "liberal, sophisticated university professors, a few of them specializing in voting rights studies" (Gordon Baker and Andrew Hacker get top billing), as well as deans of law schools, editors and commentators of the national press (here Anthony Lewis of *The New York Times* stars), and foundation managers (the Twentieth Century Fund). While unorganized, this group enjoyed a loose community of principles and shared a "mystique of momentum" which had great influence in the 1960s.

The study goes back to 1845, and in general Elliott approves of the Supreme Court's voting decisions up to 1962. The white primary, for example, had to be destroyed. But with *Baker* v. *Carr* the Court, misled by the Guardian Ethic and ignoring Frankfurter's warning, stumbled into the quagmire in quest of

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

an "aesthetic" egalitarianism, an end in itself "unconcerned with what other ends it might accomplish" (p. 103). The rule of one person, one vote was attractively simple. The difficulty is that, "short of PR, equal effective representation is not amenable to simple rules" (p. 166). But the Warren Court found a simple solution: "anything easy to equalize it would equalize with ferocious zeal; anything hard to equalize it would skip" (p. 161).

Many others, including some of the Guardians themselves, have been less than happy with the Court's reapportionment record, but probably no one short of William Buckley could have made the case with such elegance, style, and philosophic invocation as Elliott has done. He regards the conflict over representation as one between the mechanistic tradition (Bacon, Hobbes, Bentham) where political life is simple, manipulable, and perfectible, and the organicists (Burke, Tocqueville) who see society as a spontaneous, natural phenomenon and stress practical workability. Elliott of course judges the reapportionment experience by organic standards, yet in spite of the stridency of some of his language he is surprisingly temperate in his overall appraisal. While his heart is with Frankfurter and Harlan, he concedes that as a matter of legislative policy selective intervention in reapportionment matters along the lines proposed by Justice Stewart in the *Reapportionment Cases* would have been preferable to no judicial action at all.

Appraising the results of a decade of application of the Fundamental Principle, Elliott concludes that, "having fulfilled neither the hopes of its sponsors nor the fears of its opponents, it does not appear to have done serious damage to the structure and operation of American political institutions" (p. 205). In fact, some of its accomplishments were "not negligible." Gross inequalities in states such as Florida, Alabama, and California were remedied; white, one-party government was undermined in the Deep South. But the remedies were "one-sided and Procrustean" (p. 224). Rural advantages were terminated, but the rule of equal districts could do nothing about distortions in representation due to bloc voting, multimember districts, strategic majorities, or gerrymandering. By accepting and implementing the Fundamental Principle the Court imposed a "distorted and incomplete version of representative government upon the states" (p. 236).

C. Herman Pritchett
University of California, Santa Barbara

Political Promises: Essays and Commentary on American Politics *by Nelson W. Polsby. New York, Oxford University Press, 1974.—xxi, 279 pp. $9.95.*

Can political scientists say anything about politics that cannot be said just as well by politicians and journalists? The answer is yes, they can ruminate (pp.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

xx, 149). Although political scientists have no special access to common sense or historical anecdotes and are divided on what constitutes good public policy, their public ruminations at their best should and can bring to the consideration of political events an education in social and political theories, and familiarity with empirical researches into the factual bases of political decisions. One can further say that most politicians and journalists lack the time or the insight to reflect upon themselves and the politics they work in or watch; political scientists have both.

Professor Polsby has brought together his own expert reflections and ruminations about American politics in thirty-two essays and other commentary, organized under seven titles: Watergate; The Presidential Election of 1972; Social Stratification in American Life; Congress; Leaders and Followers; The Press; and Political Extremism. Some are newspaper pieces and some are professional articles but the collection as a whole is addressed to "general audiences and not to scholars" (p. xxi). The philosophy they express is liberal centrism and the best pieces are those with the strongest professional tone.

In this space, one can only sample the opinions of the author. Watergate (as of December 1973) was a clash between two concepts of political accountability—plebiscitary and collegial—the first based on election mandates alone and the second, on the checks and balances designed by the authors of the Constitution. The secret election of congressional committee chairmen would be a good thing (p. 78) but seniority is not a bad thing, although if it were to be modified or abandoned as the mode for choosing chairmen, no catastrophe would follow (pp. 111–112). The two-year term for congressmen is probably preferable to a four-year term (p. 107). Is Congress an assembly of ambassadors or is it a deliberative body; or, to put it another way, do constituencies matter more or less than colleagues? In the contest in 1961 between Richard Bolling of Missouri and Carl Albert of Oklahoma over the majority leadership in the House of Representatives, inside colleagues were more important than outside constituencies. In the election process, the nomination of politicians by politicians is preferable to mass appeals and primaries. Direct election of the president has the virtue of simplicity and clarity but the Electoral College is in some ways more effective (p. 164). It *is* true that vice-presidents have little to do, but there is little to be done about it. Political news reporting by the media tends to be incoherent, sparse, and inexpert. Election night television is especially remiss in failing to cover significant competitions for congressional seats. Of special interest are the comments on the McCarthyism of the 1950s and campus radicalism of the 1960s as examples of political extremism, a comparison not generally popular in the academy. The final piece in the collection is the author's well-known essay on the Republican grass-roots foundation of McCarthy's support.

There are some shortcomings in the collection of essays. It is difficult to be sure when some of the pieces were written, for example, and one or two of them

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

are really too insubstantial to deserve the space given them. But the good ones are first rate and there are many of them. Both the scholar and the general audience will find the collection an instructive one.

EARL LATHAM
Amherst College

Jews and American Politics *by Stephen D. Isaacs. New York, Doubleday & Company, Inc., 1974.—x, 302 pp. $8.95.*

The basic outline of Jewish political behavior since 1944, when Jews gave Franklin Roosevelt more than 90 percent of their vote, is here. Since that time they have been overwhelmingly liberal and Democratic, remarkably generous in campaign contributions, disproportionately active in radical political movements including the antiwar movement and the cause of civil rights for blacks, unusually influential in the McCarthy and McGovern campaigns, active in grass-roots suburban politics, and committed to the emergence and the preservation of the state of Israel.

Isaacs' lively journalistic account is marred by many weaknesses. He writes that Robert F. Kennedy might have been assassinated because of pro-Israeli statements he made (p. 143), without even attempting to verify the speculation. He relies on estimates of Jewish voting strength for presidential candidates going back to 1916 without any references as to where they come from (pp. 151, 152). He sets up phony straw men in order to make insignificant points. "Pundit after pundit describe 1972 as a landmark election for the Jews" (p. 184). Managing to get two facts wrong in one sentence, he tells, "Poll figures show that McGovern received stronger support from Jews than did Stevenson in 1952 and 1956, when no one suggested any kind of landmark break-throughs" (p. 185). Actually, Stevenson probably received as much as 75 percent of the Jewish vote in 1952 whereas McGovern received no more than 65 percent and many journalists speculated that Eisenhower, who won a landslide victory, would make sharp inroads in Democratic strength. Isaacs is at his worst when he tries to interpret data (there is no conceptualizing here at all). For example, "selling has become the most important aspect of politics and selling is what many Jews have had to do for centuries" (p. 20). The implication, presented early in the book, is that Jews dominate the marketing of politicians and political ideas. In fact, there probably are disproportionately few Jews in political public relations and Jews are influential beyond their numbers because they are well educated, involved in the professions to a high degree (20 percent of America's lawyers), located in major cities and the suburbs, relatively well-to-do (a function of education more than anything else), and relatively united on major political issues such as civil liberties, government help for those with

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

special economic needs, and Israel, not because they sell well. Armenians, Greeks, and Irishmen sell well, too. Occasionally, Isaacs even contradicts himself. In the beginning he compares American Jewish lobbyists to European court Jews (an analogy he comes back to later) but on his last page he quotes the perceptive Eugene Borowitz to the effect that the Jewish lobby represents the final Americanization of the Jews.

The author makes his only original and significant contribution in writing about the pro-Israel lobby in Washington consisting primarily of nine senatorial aides, three senators, some members of the House and their staff, and a half-dozen representatives of Jewish organizations who move openly and quickly in an attempt to influence legislative and administrative policies on issues of vital concern to the security of Israel.

That they do not always succeed is obvious. Forced to abandon the Sinai in 1957 by John Foster Dulles and President Eisenhower, the Israeli's were obliged by Henry Kissinger and President Nixon to accept a cease-fire in the Yom Kippur War when they were on the verge of victory. More recently, they were blamed by Kissinger and President Ford for the breakdown of Kissinger's diplomacy despite their willingness to give up strategic territory for the mere promise of nonbelligerency by Egypt. Isaacs has a lively chapter on the Jewish reaction to some of the consequences of black militancy such as quotas in schools and industry, local populist attempts to control education, and crime in the streets, although he is confused in concluding that the Jews have taken a hard line on social issues (p. 181). That self-interest is not incompatible with liberalism was settled for Jews a long time ago and is best incorporated in the quote of one of the most famous Jewish rabbis at the dawn of the Christian era: Hillel said, "If I am not for myself, who will be for me; if I am for myself alone, what am I. . . ."

Despite the confusion of the author in presenting his material, the data in the book demonstrates that American Jews remain unusually committed to traditional liberal courses in America, including the defense of the rights and advocacy of the interests of black Americans.

LAWRENCE H. FUCHS
Brandeis University

Charles E. Merriam and the Study of Politics *by Barry D. Karl. Chicago, University of Chicago Press, 1974.—xiv, 337 pp. $15.00.*

Charles E. Merriam was a major influence on the professional organization of the political and social sciences in the United States, and it is appropriate that the centennial of his birth should be marked by the publication of a biography whose main concern is Merriam's relationship to his own discipline of political

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

science. The acute reader will note that the subtitle refers to the "study" of "politics," not the "scientific study" of the subject. The reader would be on sound ground if he infers that this is no accident. Professor Karl is a historian who, while fully recognizing the appeal of "science" to Merriam and to many of Merriam's contemporaries, perceives this as problematic, and not as something to be taken for granted. Impressed as he was by science, and adept as he became as a promoter and organizer of science, Merriam's scholarly contributions can as a rule be classified as scientific only in the most elastic sense of the word. Merriam was under no illusion about this. Nor did he believe that the only problem-finding or problem-solving methods available to the professional student of what is conventionally labeled "government," "law," and "politics" are scientific.

As so many investigators have done, the book traces the appeal of science to its success as a symbol-substitution or synthesis of religious faith and moral commitment. From a devout and civically responsible home in a small Iowa town, Merriam kept searching for an intellectual orientation and a career that would gratify the urge to achieve moral and political significance (chaps. 1, 2). Progressivism offered a program of reform within the perspectives of an American myth and the operating constraints of American politics and society (chaps. 4, 5, 6). When an active career in Progressive politics was frustrated by personal defeat and by the shifting receptivities of the electorate, Merriam revitalized his interest in systematic empirical inquiry and in cooperation with Beardsley Ruml and others successfully mobilized resources from business and government to develop the political and social scientific professions, and to build bridges connecting the public and the civic order with each other (chaps. 7, 8).

In many ways the most expert part of the book is the study of "Recent Social Trends" and President Hoover, and of the National Resources Planning Board and President Roosevelt (chaps. 11, 12). Merriam's desire was to nurture professions whose members could step in and out of official planning functions. With few exceptions the rising generation of professionals saw themselves differently. They did not typically grasp Merriam's vision of a strong civic order whose universities and other knowledge institutions would obtain enough support occasionally to assist public bureaucracies and private economic organizations without succumbing to domination by either force (chaps. 9, 13). The questions remain alive: Can the social scientists devise institutions and strategies that enable them to serve particular clients and also to gain credibility as a "third force" in their role as citizen planners and appraisers? Can these purposes be accomplished if the professionals come to accept the view that knowledge does not necessarily contribute to the confirmation of a commitment to human dignity?

By concentrating on Merriam the entrepreneur (as Roberto Michels, for ex-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ample, saw him) and on Merriam the moralizing nationalist, Karl has been able to draw a well-balanced sketch of a figure who gave creative expression to many of the most prominent tendencies of his historic period, and who cherished a vision of knowledge and policy that transcended his day. The method of treatment deemphasizes, though it does not eliminate, intensive attention to Merriam's personality in interaction with intimates, teachers, students, colleagues, constituents, politicians, bureaucrats, and plutocrats. Merriam's evolution was a complex feat of continuity conjoined with adaptation. How intense were the drives at various times to jump over the traces and to live a less "reformist" life as an intellectual, a politician, and a person? The hints in this volume are enough to intrigue and insufficient to sustain a well-grounded answer.

HAROLD D. LASSWELL
Yale University

No Final Victories: A Life in Politics from John F. Kennedy to Watergate *by Lawrence F. O'Brien. New York, Doubleday & Company, Inc., 1974.—394 pp. $12.50.*

Lawrence O'Brien has written an amiable disquisition on the pleasures of politics. Even defeats sound like they were fun. All of those involved, at least on the Democratic side, with minor exceptions, were honorable and decent men (very few women, except as spouses).

While Larry O'Brien's zest for politics comes through loud and clear, much is missing. For example, the major impact that the Kennedys and the Kennedy years had upon politics was to substitute the power of money for the power of the machine. On this the book is all but silent. As for the famed O'Brien manuals of organization, they are regrettably absent. Instead, the appendix contains some complimentary but rather insignificant correspondence.

The best part of the book, from the point of view of the political scientist, is O'Brien's description of the years he spent as chief legislative representative for the Kennedy and Johnson administrations. It is a unique description of the relationship between two activist chief executives and Congresses of varying degrees of cooperativeness, in an era when presidential domination of Congress escalated.

The nuts and bolts of lobbying on particular issues, the time and effort consumed before a proposal becomes law, the significance of personalities in the process, and the convolutions pursued to swing over political support illustrate the maxim that—as in non-Euclidean logic, so in politics—a straight line is not the shortest distance between two points.

For the rest, O'Brien gives his amiable recollections of the Jack Kennedy, Lyndon Johnson, Robert Kennedy, Hubert Humphrey, and George McGovern

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

campaigns. There is a notable lack of bitterness or anger, and O'Brien's affection for those with whom he worked shines through. Even Watergate, which had as its principal target Lawrence F. O'Brien, is treated with a kind of patient detachment, and what outrage there is seems a little forced.

The prose is somewhat formal and perhaps a little stiff. The organization is chronological. In the library of political memoirs by political leaders, I would place it somewhat below Ed Flynn and James Farley.

EDWARD N. COSTIKYAN
New York

Congress: The Electoral Connection *by David R. Mayhew. New Haven, Conn., Yale University Press, 1974.—vii, 194 pp. $7.95.*

David Mayhew has written an elegant and important theoretical review essay, which may indeed be the best current book on Congress. Every student of American politics or representation would do well to heed the dust-jacket blurbs of Fenno and Dahl, and read it.

Endorsing the shift from sociological to economic paradigms of political analysis, Mayhew seeks to account for congressional processes and policies in terms of purposive behavior by rational individuals. He posits desire for reelection as the congressman's chief goal, and argues that it is pursued through three activities: *advertising*—getting favorable name recognition; *credit claiming* for government action, especially *particularized benefits;* and *position taking* on policy questions.

Mayhew claims that the organization of Congress is ideally suited to (explained by?) these activities. Offices provide campaign staffs, casework, and the franking privilege; committees provide platforms for position taking and also dole out particularized benefits; weak parties rule out zero-sum conflict and in addition leave congressmen free to please their constituents.

Moreover, Mayhew claims, electoral incentives have a series of policy consequences. Expressing public opinion (which public?) is a specialty of the House, since all members benefit from responsive position taking. Handling constituents' requests, too, is done quickly and well—though with a class bias favoring high participators.

But as to legislating and overseeing administration, the picture is less rosy. On major issues, where responsibility is diffuse and visibility low, credit claiming is difficult—and position taking works regardless of outcome—so congressmen have little reason to care about winning or enacting good policy. Hence they seldom mobilize activity, or arrange the content of bills and postenactment cues to bureaucrats, so as to achieve policy goals.

The result, according to Mayhew, is delay—why hurry?; particularism—

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

chopping programs into Lowi-type distributive packages for credit claiming; servicing of the organized, who keep track of legislation and insist on action; and symbolism—passing civil rights bills and "redistributive" measures that allow position taking and please voters but have little effect.

Indeed Mayhew argues that Congress stays afloat only by providing selective benefits—power and prestige—to party leaders and members of key "control" committees which keep things in hand and ensure institutional maintenance. In this they get some help from journalistic exposés and threats of complete presidential dominance.

The general thrust of this argument is convincing, and supported by an impressive body of evidence. It gives some theoretical coherence to a field not always noted for theory. At the same time, certain shortcomings of the book follow from its "inside Congress" perspective and from the rather informal way in which assumptions are specified and deductions are made.

Despite a number of citations to voting studies, only a dim picture of Congress' external environment emerges. There is no clear model of what citizens perceive and want; how they make voting decisions; what is the relative importance of different electoral resources—votes, money, campaign workers; or who has what resources, and how readily they are mobilized.

Oddly, in view of his previous work, Mayhew pays little attention to political parties in the electorate and ignores the possibility that the effective constituencies of Republicans and Democrats may differ even in identical districts.

Reliance on congressmen's beliefs about these matters leads to theoretical vagueness and to a sort of subjective-rationality model that could be overturned by increases in congressmen's knowledge. More precise, objectively grounded assumptions might illuminate why there are exactly three electoral activities; which is most effective, under what circumstances; who has incentives to employ each, and to what extent; to what degree congressmen must respond to organized groups rather than the general public; and to which groups. Congressmen may, for example, have a greater incentive than Mayhew would have us believe (pp. 28–32) to keep real income up and inflation down, in anticipation of the sort of reward and punishment that Kramer documents; and there may be systematic biases in the interest group system.

Lack of precision weakens also the key assumption of a "single-minded" (p. 16) goal of reelection. Mayhew rejects pure vote maximizing and hints at some kind of "minimax behavior" (pp. 46–47) but does not specify exactly what. (Fiorina's work, unfortunately not cited, is relevant here.) If there is room for nonelectoral goals—as Fenno argues and as Mayhew's talk of power and prestige seems to agree—perhaps some congressmen care about policy and try to enact it. Perhaps the sideshow view of Congress is overdrawn.

The treatment of representation is inconclusive and mostly implicit. The central work of Miller and Stokes—with all its methodological nightmares—is scarcely mentioned (p. 38n); there is no discussion of Burke, Mill, or Pitkin.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Mayhew can hardly be faulted for a more fundamental limitation which is shared by much of Western political science and economics. The individualistic, consumer sovereignty view of representation (and the internal rationality view of the origins of congressional structure) neglect the place of Congress as part of a political system, in which voters are socialized as well as responded to, and in which legislative institutions are shaped by external forces as well as internal needs.

These comments should be taken only as a call to arms for theorists and empiricists to carry on where Mayhew leaves off. *Congress: The Electoral Connection* remains a major contribution and an immensely useful starting point.

BENJAMIN I. PAGE
University of Chicago

Foreign Policy and the Bureaucratic Process: The State Department's Country Director System *by William I. Bacchus. Princeton, N. J., Princeton University Press, 1974.—xvi, 350 pp. $14.50.*

The Politics of Foreign Aid *by John White. New York, St. Martin's Press, 1974.—316 pp. $13.95.*

These are two books of sharply contrasting scope and design. The first is a meticulous study of a bureaucratic reform of one phase of the work of the Department of State, and an estimate of its efficacy. The second is a sweeping scholarly review of one of the large international issues of our day—aid offered and received between nations.

William Bacchus' book is one of a flood of studies of "the decision making process." It is distinguished by limiting its scope to the Department of State, and more particularly to one zone—the Country Director system. The introduction of the new arrangement was a significant reform of 1966. This volume recounts its origins, its history, and attempts an evaluation of the progress or lack of it in the pursuit of the goals envisaged by those who instigated and those who have administered the new arrangement.

The author is familiar with the mass of relevant literature. Familiar is a word to be stressed. Not the footnotes alone but the nuances in the text reveal a saturation in the lately fashionable and prolific analyses and theoretical formulations in this field of research and theory.

He is equally familiar with the bureaucracy both of State and, to a more than merely adequate degree, of other agencies that impinge upon—and sometimes dominate—both foreign affairs and foreign policy.

His basic method of research for this particular volume was the interview. Almost no one who was involved, and was available, seems to have been overlooked. Friends, enemies, and individuals whose views were neutral toward the

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Country Director system were quizzed by questionnaire (sparely), by formal and informal, and in critical cases by repeated interviews. His access to those who had something to contribute shows both discrimination and determination, as well as penetration.

For the most part the writing is good. Only rarely, but to me painfully, does he lapse into the jargon which has become an unhappy attribute of the research literature of the decision-making process. It is an annoying flaw even rarely to come across sentences that have to be read two or three times to identify an idea that could be more simply, as well as more clearly, expressed. Nevertheless this is a book a layman can read.

To one long familiar with the Department of State and its all too frequent setting up the same pins in another alley this is, from one point of view, an old story though well told. The establishment of the system of Country Directors was soundly conceived and clear enough in purpose. It was to reduce what Secretary Rusk called excessive "layering," and to give status and coherence to dealings with individual nations. It was intended, if possible, to move policy formation and action down two floors in the department. It was coterminous but, unfortunately, not part of an ambitious plan for interdepartmental coordination designed, in part, to give State relevant leadership in functions which had been scattered among other agencies during the Roosevelt era. Where control by State was too strong a hope, leadership in coordination was the goal. But between the larger interdepartmental reform and the intradepartmental restructuring no meshing gear was provided. The two reforms were separate.

Actual restructuring did not exactly follow the blueprints, and the machine's performance varied somewhat from its conception. Some Foreign Service officers were not first-class managers: they had not the training to be. Some officers, sad to say, were not eager to see the new system work. Presidents (there were two) and secretaries of state (three) had various degrees of interest in the reform. Some other departments, whose full cooperation was essential, were not organized in parallel with State: there was no precise "opposite number." This made it difficult to work smoothly even when there was the best of intentions. Those who conceived of their interests as different, or even adverse, found it easy to be uncooperative.

A basic difficulty with all structural reforms in government is that the habits, interest, and personalities of successive participants, especially secretaries, is often more decisive than the original directive. Likewise the attention, concern, and drive of successive presidents exercise a vast, if subtle, influence.

The author faces all these obstacles to the intended reform alertly and with wide open eyes. Yet he concludes that, despite everything, the effort has been worthwhile. For a reform to have survived nine years is an achievement. Though uneven, some genuine progress has been made.

This book is a solid piece of careful and highly competent scholarship.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

John White's book is not a monograph about special research. It is a comprehensive and reflective account of a long-time interest in and concern about foreign aid. A Fellow of the Institute of Development Studies at the University of Sussex, the author has written several books and many articles in this field. He participated in the preparation of the Pearson Report, without, however, accepting all its recommendations. This solid book is the culmination of his principal intellectual preoccupation.

The writing is clear, the sentences compact, economical. There are none of the usual clichés or manufactured terms that this subject seems so often to inspire. It is a model of research exposition. Where charts or diagrams help the reader more readily to comprehend the argument, they appear.

The book opens with a discussion of terms and the debates as to their meanings. AID covers a multitude of purposes, procedures, and justifications. Development is another umbrella word. Discussion of both have often been empty. Criteria of success or failure have commonly been artificial and unreal. Sentimental arguments and illusions have been prominent. This discussion prepares the way for unusual precision in the use of terms.

There follow analyses of the motives, methods, and justifications, first of the donor states, then of the recipient countries. It is made luminously clear that sentimentality is out of place, but that self-delusion is all too frequent. Professions and realities are often alien to one another.

A closely reasoned analysis of the various theories which have been espoused by advocates and opponents is set forth. The discussion is fair but unsparing in its rigor. The relative virtues and defects of both bilateral and multilateral programs are compared. Similarly there is a hard-headed analysis of costs and benefits.

Only then does the author outline the historical sequences. It may seem odd to defer this so long. But the text justifies its location; it highlights successive phases that the analytical passages might have blurred.

Finally White fully justifies the use of the word "politics" in the title. He defines where aid belongs in the governmental structure. The political nature and objectives of both donor and recipient are realistically exposed. He concludes: "Policies normally develop through a continuous process of adjudication between competing claims on resources, responses to competing pressures, reconciliation of conflicting objectives and the evolution of a consensus between departments with differing outlooks and differing interests" (pp. 301–302).

HENRY M. WRISTON
New York

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Energy Taxes and Subsidies *by Gerard M. Brannon. Cambridge, Mass., Ballinger Publishing Company, 1974.—xvi, 177 pp. Cloth, $9.50; paper, $3.95.*

The Arab oil embargo of 1973–1974 brought energy and the "energy crisis" into everybody's consciousness. President Ford has proposed a set of policies he believes will deal with energy problems. Congress is now grappling with the Ford package and seems likely to introduce changes.

The magnitude of the effects of the quadrupling of oil prices by the OPEC nations requires that federal energy policy be thoroughly reviewed and perhaps overhauled. While any comprehensive effort will require examination of many areas and facets of policy, one area that needs careful scrutiny is the whole array of tax and subsidy measures directed at energy production and consumption. Gerard Brannon's book should be a very valuable tool in this endeavor. It is a concise, clear primer on the economic rationales for taxing or subsidizing energy differently from other products. In Chapter One he sets down briefly the basics of the role of prices as seen by economists and the possible use of taxes and/or subsidies to correct defects in prices. Chapters Two through Eight then explore the existing range of taxes on production of energy sources, and analyze them according to the principles in Chapter One. The analysis of effects is not exhaustive: there is perhaps too little discussion of the effect of existing taxes upon the ultimate choices our society has made among potential energy sources. Nevertheless, Brannon has documented a solid case for changing the current United States tax provisions, and helpful suggestions for the form of such changes. One of his most telling efforts is to try to demonstrate how the existing income tax provisions that apply differentially (and advantageously) to the various mineral fuels benefit not the energy producer (as was the intention) so much as consumers (in lower prices) and the owners of fuel-rich land (in higher royalties). This encourages added consumption but may not greatly stimulate additional supplies. While Brannon's calculations of the actual proportions of the tax favor going to the three groups (consumers, producers, and land owners) depends upon a detailed analysis of the oil industry that not all experts agree with, the general message is almost certainly correct.

In addition to the lengthy discussion of the tax treatment of production, Brannon also takes a look at taxes upon energy consumption (excise taxes). Not only does he analyze such taxes for their impact upon economic efficiency, but he also discusses the impact of energy excise taxes upon the distribution of income. While he notes the tendency of such taxes to be regressive, he suggests that other compensatory mechanisms can be provided; that it is possible to improve efficiency without necessarily permitting income to be less equally distributed than before. It is a refreshing perspective.

At the end of the book Brannon devotes a few pages to a discussion of the costs to the United States of imported oil. It is a moderate and basic discussion

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of the interactions that occur under flexible exchange rates when a country's balance of payments is not in balance. In this section he also includes a brief discussion of analyzing energy policy according to its impact upon the cohesion of OPEC. While not resorting to technical jargon, Brannon considers this an externality not covered by market forces that governmental policy may legitimately consider.

In sum, Brannon has produced a book giving an economically reasoned view of energy taxation, taking into account more than just the private costs of energy. The most important direct social costs have also been discussed, namely the environmental impact of energy production and consumption; the impact upon national, political, and economic security of having a high proportion of imported energy; and the equity effects of using taxes and subsidies to incorporate these costs in energy prices. A worthy sequel would be a book that goes beyond the basic analysis done by Brannon to analyze the larger impact upon the United States economy of energy taxes upon the choices of energy sources (i.e., coal versus oil, mineral fuels versus solar power, etc.), and upon the types of energy consumption (cars versus buses, and the like).

NINA W. CORNELL
The Brookings Institution

Partial Justice: A Study of Bias in Sentencing *by Willard Gaylin. New York, Alfred A. Knopf, 1974.—xviii, 244 pp. $7.95.*

This is a disappointing book. One should learn something from reading a book but even the most casual reader of daily newspapers is unlikely to glean anything new from *Partial Justice.* Willard Gaylin asserts (but does not demonstrate) that disparities exist in sentences meted out to convicted offenders. That assertion is often made and it may be true. But what do we mean by unequal sentences? How are we to know when offenses or offenders are the same? One may at least suggest that the pain inflicted by punishment or by the treatment that might lead to rehabilitation varies according to the personal characteristics of offenders and of the social situation in which they find themselves. Gaylin occasionally hints at such subtleties but never discusses them at length.

The book is shallow; the author's view of sentencing is too simplistic. That is reflected by his method of study. Gaylin interviewed a small number of judges and presents segments of those interviews as the bulk of the book. While claiming a nodding acquaintance with sociological studies of sentencing (he cites John Hogarth and Edward Green in the Introduction) he shows no understanding for the interactive nature of the sentencing decision. He interviews judges and presents their conversation because he believes that judges make the sentencing decision alone, and, therefore, their biases and prejudices are important.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Yet as Hogarth shows and as observation of American courtrooms would make evident, sentencing is a collective decision. Judges are constrained by the charges which are brought by prosecutors, by the bargains struck between prosecutors and defense counsel, by the information presented either during trial or in chambers by attorneys and probation officers. The effect of individual judges' biases is severely constrained by the social environment of the courtroom in which they work. Only in the context of that social environment does it make any sense to examine individual attitudes.

Gaylin implicitly concedes the importance of some of these social factors when he emphasizes the relationship between judge and probation officer or distinguishes between a federal judge (whose criminal calendar allows leisurely consideration) and state judges. But he leaves it to the knowledgeable reader to insert these constraints; the innocent reader will be misled. Nowhere is this more evident than in his chapter entitled, "The Sentencing Process," where instead of describing the social or legal process he presents some of the common justifications for criminal sentences (i.e., protection of society, deterrence, punishment, rehabilitation).

One might respond that one should not expect social analysis from a psychoanalyst. Fair enough. But one might then expect insightful analysis of the psychodynamics of the sentencing process. Instead one finds superficial protocols of interviews. Gaylin wisely admits that he cannot psychoanalyze his respondents on the basis of a few hours of interviewing. But he cannot do anything else either.

Finally, one might have expected an examination of the dilemmas posed by sentencing. Here is a social problem of the first order of importance that seems insoluble. We do not know what we want to do; there is no consensus about the desirability of incarcerating for punishment, deterrence, or rehabilitation. We are not sure we know how to deter; we are becoming certain that we do not know how to rehabilitate. Yet every day thousands of men and women are "disposed of" as the new jargon of courtroom practitioners has it. There is a desperate need for a breakthrough in our thinking about this problem. Unfortunately, Willard Gaylin's book does not provide it.

HERBERT JACOB
Northwestern University

State Legislative Innovation: Case Studies of Washington, Ohio, Florida, Illinois, Wisconsin, and California *edited by James A. Robinson. New York, Praeger Publishers, 1973.—xvii, 281 pp. $12.95.*

Legislative Performance in the States: Exploration of Committee Behav-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ior *by Alan Rosenthal. New York, The Free Press, 1974.—xvi, 215 pp. $8.95.*

Bill Keefe, speaking for many state legislative observers, once noted that "The American state legislature is an institution waning in everything except resilience." To read James Robinson's edited volume dealing with legislative change in six states, one can conclude that legislative processes have now become salient issues of public policy. Six separate cases deal with legislative change, for the years 1963–1969, from several perspectives—structure, leadership, recruitment, party behavior, and outputs. "All the cases together," asserts Robinson, "may be seen as part of a continuing process of appraisal of state legislatures as arenas for public problem-solving" (p. xvii).

Douglas Gatlin analyzes legislative transformation in Florida (1966–1967), from a fragmented, one-party system to a more competitive two-party system during the administration of Claude Kirk, Florida's first Republican governor. Alan Wyner traces historically how California House Speaker Jesse Unruh capitalized on the state's reform sentiment to introduce a host of innovative reforms in Sacramento. Sam Gove, the inveterate Illinois legislature-watcher, attests to the difficulty, qualitatively and quantitatively, in demonstrating how legislative reform affects legislative output. In the case of the Washington House of Representatives, James Best concludes that reapportionment created the opportunity for change, and that legislative output suggests that legislators have utilized this opportunity. Staffing has made a strong legislature even stronger, according to Alan Rosenthal's account of the Wisconsin legislature. Finally, Thomas Flinn applies a developmental analysis to the Ohio General Assembly to ascertain whether it has moved from a part-time "citizen" legislative model to a full-time "professional" legislative model. Based on reformer-type criteria, he concludes "not yet" and then argues that informal changes may provide better clues to this transition than more formal ones.

The Robinson work makes a contribution to legislative research. With descriptions of legislatures in about two-thirds of the states now accessible, we will soon have a sufficient literature base to make comparative analyses more systematic and rigorous. This literature base is differentiated further by focus upon the following elements: organizational structures and procedures; leaderships, parties, and interest groups; committees, apportionment and representation; and relationships with the executive branch and interest groups. However, the legislative literature has grown top heavy with statistical analyses of voting and role behavior, and data on membership characteristics. In aggregating this mass of studies, one must begin asking how the plethora of variables affect or are related to legislature change. Also, how do they relate to legislature performance? These are essential questions which the Rosenthal book addresses.

The six cases also provide dozens of variables that seem to relate to increased

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

legislature performance. However, several of the case writers are not sure whether one can prove any cause-effect relationship, and most are not sure what criteria should be employed to gauge legislative performance. Some emphasize variables external to the legislature (culture, parties, interest groups, executives, media, and public concern) as major change agents; others acknowledge these, but view variables internal to the legislature (structure, norms, power distribution, leadership, committees, and staffing) as being more important.

What is interesting in these studies is the omission, if not complete neglect, of the most persuasive influence operating upon state government today—the federal government. The ACIR observed in its 1970 annual report that among the more significant developments of the 1960s, modernization and the awakening of state government from its long slumber ranked extremely high. In effect, state government and legislatures have been jolted not just by reapportionment and civil rights, but more perhaps by the massive outpouring of programs from Washington which require state participation, spending, and response. Indeed, as Jean Couturier has observed, the "feds are engaged, wittingly or unwittingly, in a process of colonizing state and local governments." The federal government has become a lightening rod, a change agent, and probably the most important single variable impacting state legislatures throughout the country. Research on state legislatures has given little attention to this. One challenge to students of legislative change, therefore, is to put state legislatures back into the federal system and to begin accounting for the impact of "colonization" upon legislative behavior.

Alan Rosenthal's *Legislative Performance* will likely be a seminal work in the study of state legislatures. It breaks new ground exploring a terrain that has previously received little attention—committee performance of policy and program formulation, and policy and program control. Comparisons are made of committee systems among states and within states. The late Wallace Sayre once noted of legislative research, "legislative control over executive agency behavior is the least known, studied, and investigated aspect of legislative life." What is generally the condition of congressional research is even more the case for state legislative literature. Rosenthal's work begins to fill this void. Drawing upon a voluminous knowledge of legislative research, he supplements this material with new research findings drawn from several state legislatures, particularly New Jersey, which he and his Eagleton Institute colleagues have gathered. He examines several facets of standing committee effectiveness—information sources, staffing, control devices, membership continuity—to account for exercise of control. Indeed, in analyzing committee systems of state legislature, Rosenthal has done a first-rate job in shedding light upon structures and functions of too long neglected political institutions. He concludes his book by pointing the direction toward future research for increasing our understanding

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of legislative institutions. No course on legislative behavior will be complete without making extensive use of this valuable new work.

DONALD HAIDER
Northwestern University

Political Woman *by Jeane J. Kirkpatrick. New York, Basic Books, 1974. —xiii, 274 pp. $10.00.*

Political Woman *by Melville Currell. Totowa, N. J., Rowman and Littlefield, 1974.—201 pp. $15.00.*

While political man has been the object of concern for centuries it is only recently that political woman has been subject to scholarly investigation. These two books by the same name only scratch the surface of what needs to be researched, but Kirkpatrick's at least provides an illuminating outline of what can be done. Her in-depth investigation grew out of a conference in May 1972 of fifty state legislators with records of effectiveness sponsored by the Center for the American Woman and Politics at the Eagleton Institute of Politics, on the Rutgers University campus. Tapes were made of the discussions and debates and confidential interviews given by the legislators to a team headed by Jeane Kirkpatrick, a political scientist at Georgetown University. The material from this conference then was analyzed by Kirkpatrick who skillfully utilized conceptual frameworks from the literature on legislators to present her findings.

Kirkpatrick defines political women as "members of the female sex who desire significant influence in the process of determining public policy, acquire the skills necessary to achieve influence, wield the influence in institutions where decisions are made, and seek to preserve influence through continued participation in power processes" (p. 219). As such they bear close resemblance to male state legislators frequently sharing the same small town or rural background, upward mobility, high education, and greater participation in community affairs characteristic of male politicians. Male and female legislators also share many psychological similarities—including a strong ego, a sense of personal efficacy, a habit of participation, broad identifications, a need for achievement, and a pragmatic orientation—which set them off from the general population much more than they differentiate them from each other. They do differ significantly, however, in their age of entry into the legislature, occupational background, and degree of personal ambition.

The ways in which female legislators differ from males reflect the way in which they are like their nonpolitical female peers. Almost all of Kirkpatrick's

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

interviewees were wives and mothers who accepted most traditional female roles and interests and embodied the traditional role expectations—except one. That one main difference—their interest in politics and their feeling of political efficacy—derived from being raised in socially conscious families who stressed community activity, including political participation, without regard to sex.

While women have faced some resistance because of sex to running for and being in the legislature they are still able to be quite effective. The difficulties they encounter, rather than inhibit them, bias the ways in which they acquire influence. Women, much more than men, are likely to carve a place for themselves on the basis of their dedication, hard work, and expertise rather than their personal friendships and symbiotic relationships with other legislators. The barriers which restrict their power are serious only when they attempt to move out of the ranks into positions of public leadership.

Incongruously, these barriers, and the traditional sex roles which mold the life experience of most of them, contribute to their quality as legislators by protecting them from many of the temptations associated with holding public office. The freedom of many from the necessity of earning a living and the lack of realistic hopes for higher office insulate them from the pressures men experience to further their careers at the expense of the public interest. The irony, as Kirkpatrick points out, is that "the same traditional roles which make women legislators more public spirited discourage them from becoming legislators at all" (p. 214).

Melville Currell's political woman is neither so complex nor so ironical. Her study of women in the British Parliament from 1918 to 1970 attempts to answer the question of why there are so few women in politics. Although she makes reference to women's traditional roles and the many barriers to selection of women as candidates in winnable districts by the local party committees, her answers are so vague that one feels more confused than enlightened. The women who go into politics, she finds are those who come from "politicised" families and usually are employed in "communications" occupations where they learn the skills appropriate to a parliamentary career. Beyond that, her book is a tedious compendium of unmatched statistics—40 percent of Labour women assert *X* and 25 percent of Conservative women say *Y*—and *X* tentative statements overwhelmed by qualifiers. She claims to ask more questions than she answers, and she does. But the questions she asks are not illuminating. Instead they make her appear afraid to make a definitive statement. Her own words amply describe the many inadequacies of this book: "The surveys reported here have tended to raise further questions, rather than to provide conclusive answers. Some indications of change have been pointed out in the perceptions of these candidates of the role of women in the political elite. The main point that has to be stressed is that these are indications, pointers only, not empirically

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

established trends. The main conclusion to this study, therefore, is that more empirical research in depth needs to be taken over time" (p. 212).

JO FREEMAN
State University of New York at Purchase

Power in the City: Decision Making in San Francisco *by Frederick M. Wirt. Berkeley, University of California Press, 1974.—xi, 403 pp. $12.50.*

If one were to spend about a year talking to, and asking politically relevant questions of, people seen going in and out of San Francisco's government centers, and if such conversations were complimented by readings both on the city's political history and on the comparative politics of several other urban centers, then one would probably not benefit very much from reading Frederick Wirt's new book. If, as is true for most of us, the opportunity or tenacity to do so is lacking, then *Power in the City* provides, in lucid but erudite terms, historically informed observations of San Francisco that treat not only internal political affairs, but city, state, and federal relations as well. Wirt points out, early in his study, the regrettable anomaly in political studies, that smaller and often less fascinating cities have been the focus of political science work while San Francisco, as a single polity, has gone fairly unexplored. In this case, political science should be grateful to Wirt for bringing bits of information and segmental research into an integrated political picture.

Unfortunately, pictures have very few dimensions. If they are taken over time and from multiple angles, they can often suggest numerous analyses of the objects under study, but they leave a lot to the introspection of the observer. Similarly, Wirt's 400-page volume suffers from the same artistic laissez-faire. He says of San Francisco politics that "decisions can best be characterized as nondecisions" (p. 12). Perhaps, in the spirit of this conclusion, he suggests, but does not stick to any other analytical decisions. Thus, we are left valuable observations of the political process, but we are also left to wonder what makes the process move.

The method he uses, in part, necessitates this kind of generalist study. On one hand, his primary reliance on thirty-four "knowledgeable individuals" tends to assure a broad picture of events ranging from redevelopment, charter reform, and high-rise construction, to intergovernmental relations. Yet, it also tends to produce a "politician's view" of politics; that is one which does not, or cannot, expose intricacies that make events into issues. Wirt argues, for example, that real decisions are made by clerks in the city's numerous bureaucracies, yet his data focuses almost entirely on the political and private actors at the top.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

To this political elite he applies Madison's two centuries old description of "temporary" or "fluid coalitions" (p. 54). This is a result, he finds, both of the instability of mutual interests between the "Big" and "Little Rich" of the city, and of nonpartisanship. Yet the conclusiveness of this explanation cannot be taken for granted, since he assures us that partisanship lurks beneath the nonpartisan façade, and that these elites—big and little—jealously restrict participation of the poor, the uninformed, and "the arriving ethnic groups."

Regrettably, the "knowledgeable individuals" did not seem to know very much about the arriving ethnics. Virtually all quotes, for example, referring to the Chinese, Japanese, Spanish-speaking, and blacks do so from the perspective of another outside interested San Francisco politician or businessman (pp. 2 and 5). Fortunately, however, this lack of data is supplemented by Wirt's insightful discussion of broad ethnic issues, and his treatment of the specific effects of federal influence on these groups.

Finally, there are the conceptual problems of power and power structure. Wirt deals with these but does not attempt to resolve them. Consequently, we are spared the rigorous and probably fruitless repetition of the elitist-pluralist debate that has bored many students into other fields of study. Instead, Wirt shows us local politics and power in enough facets to inform those of numerous analytical bents on a city which should now attract political scientists as well as tourists.

LORENZO MORRIS
Massachusetts Institute of Technology

Race Relations and the New York City Commission on Human Rights *by Gerald Benjamin. Ithaca, N. Y., and London, Cornell University Press, 1972.—274 pp. $12.50.*

Some will wonder why a minor governmental institution like the New York City Commission on Human Rights has inspired a volume close to 300 pages long. The author began this work in the late 1960s when race subjects had moved, all too briefly, near the top of the agendas of publishers as well as the nation. Moreover, the City Commission was just emerging from controversy stirred by the way it had maneuvered through the onset of the black power period in the country and the New York teachers strike in the city.

But Gerald Benjamin does not simply want to tell the story of this institution. He addresses the subject as a political scientist with a mission—"whether there is still a need for a commission on human rights in New York City" (p. 24), or presumably any place else, since, he asserts, the commission experience "provides an invaluable point of reference for the cities that are just now establishing such agencies . . . " (p. 19).

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

If it does, other cities would do well to pick up where this author left off before making any decisions. Benjamin chose to look at the period between 1943 and 1969,* when the commission was primarily a tension-control, race relations artifact of government, true to the country's bankruptcy in race policy until recently. Reading this book will not provide a clue to the far more historic development—the rapid conversion of civil rights commissions to true administrative agencies, with law enforcement as the central focus. This was made possible by the creation of a true federal presence in civil rights that was enforcement-oriented and the proliferation of court decisions that revised, sometimes radically, the very meaning of discrimination, and with it, the obligations of antidiscrimination agencies. Affirmative action, job-relatedness, goals and timetables, patterns and practices—this has been the language of administrative agencies in civil rights for almost a decade. But this book focuses on race relations, intergroup conflict, and tension control. These subjects make interesting reading, but they have nothing to do with the $45 million in jobs the New York City agency won using new pattern and practice technology over the past four years.

Had this volume been published in the 1960s it would have constituted a salient comment on the end of an era. Dealing with race through the paraphernalia of race relations had gotten the country a militant civil rights movement and later, a sizable rebellion in nearly every major city. But published in 1974, this book reads more like history than the prescription for change it aims to be. Its prescription—abolish the agency and redistribute its functions—is simple enough to reach if you use evidence that leaves off in 1969 and expect that it will stand up on publication date five years later.

The major flaw of this book is its acceptance of a rationale attributed to Professor Joseph Witherspoon ten years ago for local agencies, none of them of primary importance in modern civil rights agency work today. While state commissions would presumably be primarily concerned with law enforcement, local commissions, even in large cities like New York, would serve other functions such as "resolving" intergroup conflict and "cooperating" with other city agencies, private agencies, and local leadership (p. 255). But in any fair-sized city today these functions are either diffuse, duplicative, or anachronistic. In any case the author's conclusion that "the most powerful local [civil rights] agency" failed at most of these functions strongly suggests the unsuitability of this potpourri of a mandate in a single agency. While measuring the agency's effectiveness for twenty-five years against this "political role" (p. 256), the author admits that his conclusions are at variance with those of legal observers who focus on "the formal powers of human rights agencies and hold

* This period was before the reviewer's affiliation with the Commission on Human Rights.—Ed.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

out hope for future achievement" (p. 256). The "formal" power to provide a remedy—a job, an apartment, damages, systematic personnel and residential reform through pattern and practice approaches—is the one function unique to such agencies in localities where blacks have forced the author's race relations functions on government as a whole, refusing any longer to accept the old compartmentalized human rights agency approach to race problems that today are virtually synonymous with urban life and must therefore be spread throughout urban government.

The author is right that other cities have something to learn from the New York City experience, and New York has learned it, too. Human rights agencies have a function to play in improving race relations, but so do most city agencies. Human rights agencies are in a unique position to improve race relations—by systematically applying the law to eliminate job, housing, and public accommodation discrimination. This is as vital a function for local as it is for state and federal agencies, especially considering the huge backlogs that are mounting geometrically. If cities want to do something about human rights, they will do what New York City has finally done over the past decade, first gradually, and then with studied direction: convert its race relations agency into an antidiscrimination law-enforcement agency. If this author were to study the possibilities under this format, he might join the racial and ethnic minorities, women, handicapped people, and workers between forty and sixty-five already covered, as well as groups clamoring to be included in human rights law, who would doubtlessly protest that Benjamin's prescription for change would rob them of antidiscrimination agencies just at the point when they have begun to become effective.

ELEANOR HOLMES NORTON
New York City Commission on Human Rights

Race in the City: Political Trust and Public Policy in the New Urban System *by Joel D. Aberbach and Jack L. Walker. Boston, Little Brown and Co., 1973.—xvii, 293 pp. $5.95.*

Race in the City describes the character of public opinion on black/white relations in Detroit during the period in the aftermath of the riots of July 1967 to 1971. It is based primarily on data gathered in two surveys completed in those years.

The reported situation is explosive. There are sharp contrasts in the sentiments of each group on crucial issues. Blacks are intensely dissatisfied with the current state of race relations and pessimistic about its improvement. They are increasingly distrustful of the personnel and institutions of government. They have decreasing interest in racial integration, stressing instead internal improve-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ment in black neighborhoods. Whites report substantial opposition to integration and a feeling that blacks are personally responsible for their problems and demanding too fast a pace of change. Aberbach and Walker focus their predictions of the behavior which will arise from these opinions on the concept of political trust. The more unconventional the act of expressing dissatisfaction, and the less that act is sanctioned by the public, the more important is political distrust as a predictor of approving the act. All this the authors demonstrate convincingly, in a dispassionate, scientific, rigorous analysis. Their discussion of the meaning of black power and their effort to profile selected groups as well as modal types, are particularly successful.

Yet from this striking portrait of divided racial groups—so divided that the authors observe that "it is almost as if two cities had been studied and the population of each had lived in different countries for two decades" (p. 217)—compounded by the dramatically *increasing* sense of racial identification among the black middle-class—what do the authors conclude? They conclude that government policy should be to avoid bringing "the problems of black deprivation and white racism" to the center of the political arena but should attack these problems indirectly (p. 236) by emphasizing shared goals. "Political leaders who supported truly large-scale efforts to provide employment, institute a guaranteed income, improve health care, build housing . . . would not have to stake their careers on results which would take years to appear. Programs of this kind would have quick and identifiable impacts on society. . . . This strategy . . . might supply the symbolic assurances needed by blacks without unduly antagonizing whites with ambivalent or hostile feelings about race . . . (p. 239).

How can the trust of citizens in the integrity of government be renewed if it consistently obfuscates, denies, and avoids the basic conflicts citizens report? How can Aberbach and Walker fail to recognize that it is just this kind of consensus policy that has *produced* the Detroit they describe. As Robert Conot notes in his history of Detroit, *American Odyssey: A Unique History of America Told Through the Life of a Great City* (New York, William Morrow & Co., 1974), "we have come to the end of an era. The need to restructure American policies to the new realities is critical" (p. 666).

I wish Aberbach and Walker had *believed* their otherwise excellent book. I do.

FRANCINE F. RABINOVITZ
University of California, Los Angeles

The Working-Class Majority *by Andrew Levison. New York, Coward, McCann and Geoghegan, 1974.—319 pp. $8.95.*

During the 1960s, eminent liberal American sociologists such as Lipset and Bell came to the conclusion that the working class—at least in its Marxist sense—

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

was gradually being eliminated. For one thing, an extrapolation of GNP growth rates suggested increasing availablity of "middle-class" consumption patterns to blue-collar workers. This, combined with the presumed greater impact of consumption rather than production as a determinant of life style, would lead to the *embourgeoisement* of American workers. In the second place, the technology of production was shifting from industrial manufacture to white-collar managerial activities and the provision of services. The equation of the working class with a particular type of manual labor meant that the working class would decrease in importance as this labor became less significant. From the perspective of the mid-1970s, however, it is apparent that both of these trends were considerably exaggerated.

Andrew Levison argues forcefully, in a delightfully readable style, that the American working class is very much with us. He demonstrates that many types of service jobs involve manual labor (e.g., waitresses, delivery truck drivers) and that a stratum of white-collar work is hardly distinguishable either in the amenities of production or in levels of pay from traditional working-class employment. Moreover, even in the expanding prosperity of the Johnson years, the relative position of the working class did not improve. The pattern of income distribution had remained fixed for many decades. Then, under Nixon, there was a major shift of incomes *upward*, a trend which speeded up due to rapid inflation and widespread unemployment after Ford came into office. In a variety of ways, which Levison describes in detail, the life chances of the working class are poorer than those of the upper strata and show no prospect of immediate improvement.

From his analysis of the objective deprivations and subjective discontents of working-class life, Levison concludes that the "working-class majority" should be a force for political change in America. He argues—with mixed success—that white workers are probably no more racist than other Americans, and that the Wallace reaction was largely a response to the failure of the Democratic party leadership to provide a class-oriented program and candidate. Robert Kennedy was just what the working class needed to manifest its latent progressivism, while the McCarthy-McGovern appeal simultaneously activated working-class racism and class resentment. The hope for social progress thus seems to depend upon the resurrection of most of the Roosevelt coalition by the Democratic party.

That coalition was dependent upon the labor unions which, until World War II, were undoubtedly a strong Leftist force. Levison, on balance, still sees the big unions as progressive institutions, despite their professional anticommunism and comfortable alliance with the Nixon administration. Here, I think, Levison has underestimated the stake the unions have in providing guild privileges to a minority of the "working-class majority" and in accepting the institutional structure of monopoly capitalism. The unions have repeatedly failed to offer

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Left analyses of governmental policies, or in any way to provide the organizational base for leaders who might free the working class from the Lockian hegemony of the dominant liberal ideology.

Indeed, *The Working-Class Majority* is itself a typically American populist analysis. Levison is always on the brink of seeing the institutional structure of American capitalism but never actually cuts through the mystifications of liberal rhetoric. He offers no systematic explanation of why working-class consciousness fails to reflect working-class interests, except to say that the Democratic party keeps making mistakes. Levison has no theory by which to interpret recent political history except the all-pervasive liberal ideology which assumes the autonomy of politics.

Perhaps this is unfair to Levison, since he does quite effectively attack the liberal notion that we have a classless society, and he does offer an answer to the question of what is to be done. Armed, however, with some Marxist theory he could come to a clearer understanding of the political situation of the "working-class majority," even though such an analysis would also lead him to reject the only action that might be practicable. Franklin Roosevelt reconstituted *is* probably the best hope for the liberal Left.

NORMAN I. FAINSTEIN
Columbia University

The Appearance of Justice *by John P. MacKenzie. New York, Charles Scribner's Sons, 1974.—xiii, 304 pp. $8.95.*

One-half of this book is a useful compendium of recent official judicial actions which might be termed scandalous, an explication of why the "appearance of justice" was in fact lacking, and a cogent commentary on the recently adopted Code of Judicial Conduct (conveniently reprinted in an appendix). But the other half of MacKenzie's work, which purports to treat controversial nonofficial conduct of judges in a similar manner, is seriously marred by the author's failure to support his conclusions with an adequate analysis.

Although MacKenzie does not provide a justification for the standard that every official action must serve both justice and the appearance of justice, it seems reasonable to accept this assumption in the absence of any obvious competing values, and draw out its implications for conduct. As MacKenzie argues, a judge's financial interest—however small—in a case ought to disqualify him automatically; the "velvet blackjack"—the subtle coercion of counsel to waive disqualification of a judge in a case in which he has an admitted interest—ought not to be countenanced. Moreover, improper interest may be other than financial, as MacKenzie reminds us in an excellent chapter on Justice Rehnquist's refusal to recuse in *Laird* v. *Tatum*. Where the Code of Judicial Conduct

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

fails to meet difficulties which MacKenzie raises, he offers perceptive proposals for improvement.

Several problems beset MacKenzie, however, in his consideration of conduct by judges in nonofficial settings. As befits a journalist of MacKenzie's caliber, his descriptions of such recent extrajudicial episodes as Fortas' advice to President Johnson, Douglas' and Fortas' connections with the Parvin and Wolfson Foundations, respectively, and the Judicial Conference's lobbying for judicial legislation are dispassionate and detailed. But his argument that such activities violate the appearance-of-justice standard and ought to be banned, is flawed.

It is not clear that the standard has any relevance to extrajudicial activities. Justice is served in courts in particular cases; it is there that we require judges to be—and appear to be—independent and impartial. Even assuming its relevance, one may question whether the "appearance" is in fact damaged by extracurricular conduct. A sophisticated evaluation of public opinion would be required to determine that. Also, while the values served by the standard have few, if any, competitors when the judge is on the bench, there *are* competing values when he participates in the life of his community. Might not the disadvantages of strictly proscribing extrajudicial actions outweigh the benefits to both the community and the judge?

Problems might be avoided by requiring disqualification if a case in which the judge has an extrajudicial interest later comes before the court. But while MacKenzie is quick to deny—when discussing official action—that a judge has a duty to sit, he abandons this position, inconsistently, when considering off-the-bench conduct: a full court is a "desirable goal" (p. 32).

The author does find Chief Justice Burger's argument that "judges must not withdraw from the world" to be "an appealing one," even though he rejects it (p. 165). But MacKenzie's distinctions between permissible and impermissible extrajudicial activities are vague and unsupported. Why is church membership automatically acceptable, as MacKenzie implies (p. 161)? Why is there a "vast difference" between Burger's affiliation with the Mayo Foundation and Fortas' service to the Wolfson Foundation (p. 162)? Why is it that "[m]atters safely within court administration are suitable for judges' commentary, while matters of social policy are out of bounds" (p. 142)? Why should "some occasional, quiet, one-on-one confrontation" be more legitimate than Fortas' meetings with groups of men (p. 33)? General principles for establishing guidelines of propriety are never outlined.

Finally, MacKenzie's lack of historical perspective on extrajudicial activities lead him astray. It is not the case that "[o]f the one hundred justices who have served, an overwhelming majority have stuck to the business of judging and have avoided the extra-curricular ventures of the few" (p. 7). My own study of such activities has turned up at least sixty-five justices [twenty of them on a regular basis] who advised the president, participated in politics, or served on

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

commissions. The absolute number is probably somewhat less important than the general prevalence of the activity. If generations of justices have been involved in the life of the community without undermining the public's respect for the judiciary, then one begins to question the application of the appearance-of-justice standard to this category of conduct.

It may well be that judges ought to abstain from a wide variety of off-the-bench actions. I do not believe, however, that MacKenzie's analysis is convincing.

WILLIAMS J. CIBES, JR.
Connecticut College

The Wound Within: America in the Vietnam Years, 1954–1974 *by Alexander Kendrick. Boston, Little, Brown, and Company, 1974.—xii, 432 pp. $12.95.*

Nearly thirty-five years ago Henry Luce offered the supercilious proposition that a new empire was being born, one he described as leading inexorably to the American century. As empires go it did not last very long or so argues Alexander Kendrick, a veteran CBS broadcaster and foreign correspondent. Indeed, he believes it was mortally wounded in Vietnam's jungles, felled by the cold war years and a spirit of American "hauteur."

Despite the book's obvious lack of perspective and definitive documentation, it is a substantial and extremely worthwhile work, one that will prove quite useful to future historians and others trying to assess what happened and why in those twenty furiously paced years.

During that time, "Better red than dead" was supplanted by détente, civic patriotism gave way to "Hell no we won't go" and the ominous public question "Who lost China?" surrendered to national reluctance to keep a corrupt Saigon regime on an eternal dole. From the boundless optimism of white Americans to Watergate, from prosperity to lamentations about another depression, all these themes are dealt with impressively in *The Wound Within.*

Best of all, Kendrick reminds the reader what too many wish now to forget. The war in Southeast Asia was for this nation an incredible blunder. In 1951 Dean Rusk described Mao's China as a "Slavic Manchuria, a colonial Russian Government" (p. 19). His remarks as secretary of state were no less myopic and, says Kendrick, at times untruthful. The 50,000 Korean mercenaries hired by Washington to fight for "freedom" proved to be "the cruelest of American 'allies,' behaving as conquerors rather than friends" (p. 19). Nevertheless, despite the fact that the ROKs were there to fight, Rusk once explained publicly they were in Vietnam for "engineering tasks here and there" (p. 199). And, of course, there was the ubiquitous Walt Rostow with his incessant talk about

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

American "willingness to engage in nuclear war when necessary" (p. 130) and who once deemed "Laos, the remote, tiny, opium-wreathed land . . . pivotal to the world balance of power" (p. 130). Kendrick concludes that the war was "an academic exercise to Rostow, without reference to real situations or human beings, with scant heed to methods or consequences" (p. 137). And so it may have been to many of the "Best and the Brightest" who thought they had the firepower to shake the world.

In the end, the results were disastrous, in human, economic, and political terms. Meanwhile, we learn from Kendrick that Dr. Kissinger never regarded Vietnam

> for all its perverseness and loss of American prestige, as more than a footnote to the quintessential requirement of the time, a Big Power settlement. To him, Peking's acquisition of South Vietnam, if that ever came about, would . . . be . . . less significant than China's acquisition of nuclear weapons. His policy goal for Vietnam . . . was that there be a 'decent interval' . . . between American withdrawal and Communist accession [to power] in Saigon. In this way the United States could not be blamed for what five successive Presidents had solemnly declared would not be permitted to happen (p. 283).

So goes the shenanigans of Great Power diplomats. The real difficulty is that their historical record of dismal failure far exceeds their successes.

MURRAY POLNER
The Bergreen Institute of Foreign Policy Studies and Publications

The Troubled Encounter: The United States and Japan *by Charles E. Neu. New York, John Wiley & Sons, Inc., 1975.—x, 257 pp. $9.95.*

This volume is a welcome addition to the slim list of general books about American-Japanese relations. Coming twelve years after Neumann's *America Encounters Japan* and a decade after Reischauer's *The United States and Japan,* it incorporates recent monographic studies of modern Japanese as well as American foreign policy. Neu writes a far more traditional diplomatic history than his predecessors. Unlike them, he devotes all but two chapters to the 1900–1941 period.

The book focuses on a central question: Why did America and Japan become enemies? Rejecting F. R. Dulles' thesis, Neu holds that nineteenth-century yankees and samurai never really understood one another. In contrast to Reischauer, he suggests that close post World War II American-Japanese relations were an aberration rather than the norm. Most of his narrative probes the sources of pre Pearl Harbor hostility. Lack of concern at the top was one. Neu skillfully demonstrates that American presidents rarely thought consistently or deeply about Japan. Their ambassadors to Tokyo were not of the cal-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

iber of those sent to Peking. Within the bureaucracies in Tokyo and Washington, individuals too often acted in terms of parochial interests. Neu makes this point particularly clear for the two navies. Outside of government, neither missionaries eager to convert Japan nor financiers convinced of the profitability of friendship commanded sufficient influence to reshape policies. Even more important, Neu argues, officials and opinion leaders never overcame feelings of apathy, racial antagonism, and chauvinism which propelled ordinary Americans and Japanese toward war with one another. The result was a conflict which Neu describes as both unnecessary and inevitable.

The book skillfully synthesizes the best English-language scholarship. Neu writes sprightly and precise prose. But as specialists in East Asian history and politics will quickly recognize, the book presents little fresh analysis. It is, perhaps, too factual and insufficiently interpretive. The narrative identifies elements which fostered Japanese-American conflict without ever assessing the relative importance of each. Neu describes individual cases of quite contradictory modes of American thinking about Japan: Theodore Roosevelt's willingness to concede Japanese hegemony in East Asia as opposed to Stimson's (and later Dulles') notions of containment through confrontation or cooptation. But he never draws together the evidence he presents to suggest conclusions about systemic elements in the American approach to Japan.

Nonetheless, the book is certain to be useful in the classroom. It presents two kinds of pedagogical problems. One is a tendency to write for the scholarly initiate rather than the undergraduate. Students may be bewildered by frequent, abrupt trans-Pacific crossings within chapters. They will miss an adequate list of key personages and offices held. No maps, either of Japan or of the Pacific region, appear. Neu also fails to identify properly important documents (the Open Door notes, p. 35), key individuals (Colonel Edward M. House, p. 92), or important terms such as "new diplomacy" (p. 98).

Neu's apparent reluctance to confront major interpretive issues poses a second type of pedagogical problem. He seems unaware of the debate over the nature of Japanese expansionism and of American imperialism. At times he seems to regard the former as sheer aggression. His account does not touch on the issues raised by revisionist interpreters of America's turn-of-the-century adventures in East Asia or on the increasingly sophisticated questions radical historians are raising about the nature of America's post World War II policies toward Japan. Finally, Neu, unlike Neumann and Reischauer, does not make explicit for the student links between past issues and contemporary problems.

The insightful teacher can readily overcome these defects. He is certain to see that *The Troubled Encounter* is the best brief account of American-Japanese relations yet to appear.

ROGER DINGMAN
University of Southern California

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The Cold War Begins: Soviet-American Conflict Over Eastern Europe *by Lynn Etheridge Davis. Princeton, N. J., Princeton University Press, 1974.—x, 412 pp. $15.00.*

Can a plausible argument be made that the genesis of the cold war is to be found in competing Soviet and Western designs upon postwar Eastern Europe? Throughout the cold war era, contemporaries, critics, and scholars have assumed so. A quarter century ago, Winston Churchill eloquently argued that ruthless Soviet assumption over the affairs of the countries and peoples beyond the Elbe in violation of solemn wartime agreements with the West rendered further cooperation with the Russians impossible. Distinguished scholars such as Herbert Feis subsequently transformed Churchill's already popular assertion into conventional wisdom. Over the past decade, the "revisionist" school of scholarship has reversed the argument, claiming that aggressive *American* designs upon the Soviet borderlands, largely motivated by a capitalistic imperative to expand markets to universal dimensions, satisfactorily explains the collapse of the Grand Alliance and the coming of the postwar "age of terror" between East and West.

Now Lynn Etheridge Davis has written what will surely be termed in contemporary academic jargon a "counterrevisionist" study of the whole problem. She finds that an often ill-conceived diplomacy of principle rather than a conscious, well-defined strategy of economic penetration guided the United States into conflict with the Kremlin over the destiny of Eastern Europe and that "Soviet-American conflict over the political future of Eastern Europe undermined Allied cooperation around the world, and the Cold War began" (p. 395). Davis' research is impressive and her arguments are cogently presented even though dressed in that battleship grey prose apparently so popular with this generation of university scholars. She has probed deeply into the unpublished State Department files for the war years as well as into other private papers and she has interviewed such leading figures of the time as Charles Bohlen, Philip Mosely, and "Doc" Matthews. Her reading of the evidence is invariably responsible and in some footnotes she politely but firmly takes several revisionists to task for shoddy research or analysis. This is a valuable book to have.

Yet in this reviewer's opinion it does contain some significant flaws. Davis' decision to concentrate solely upon Eastern Europe as a bone of Soviet-American contention at last fails to satisfactorily explain why the cold war came about. Official records, plus Davis' own supplementary archival research, clearly indicate that Eastern Europe was a constant source of conflict between the Soviets and *British* but that American officials studiously sought to avoid unequivocal alliance with one side or the other at least through the London Conference of September 1945. Granted that, as Davis emphasizes, American rhetoric in support of the Declaration on Liberated Europe provoked political crises in Rumania and Bulgaria during August 1945, and granted, too, that the Ameri-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

can diplomacy of principle precluded ready deferral to brutal Soviet control of the countries beyond the Elbe—do these events and factors in themselves satisfactorily account for the atmosphere of pure malevolence that emerged in both Russia and the United States so soon after World War II? It might be argued that ruthless Soviet behavior in Eastern Europe was a sufficient catalyst to plunge the West into a cold war mood, but how could the American policy of comparative restraint generate like-minded sentiments in the Kremlin? It would seem that other factors including American monopoly of atomic weaponry, the determination of the United States not to share with the Soviet Union the burdens and benefits of the occupation of Japan, Soviet probes in Iran and Turkey, etc., must be taken into account and weighed and balanced with the contest over Eastern Europe before a satisfactory explanation of the origins of the cold war can begin to be made.

LISLE A. ROSE
U. S. Department of State

The Nuclear Trap: An Escape Route *by Robert E. Walters. Baltimore, Penguin Books, 1974.—215 pp. $2.95.*

This is an interesting, if somewhat eccentric or unconventional, book. The author attempts to trace most of contemporary nuclear deterrence to a subliminal Western acceptance of the geopolitical "heartland" theories of Halford Mackinder; Walters then seeks to rebut this with an alternative geopolitical formula, showing that the West is actually foreordained to be geographically and militarily in a position of advantage over the USSR, thus having no need to rely so much on nuclear weapons and threats.

Parts of the book are quite convincing, even if the links to geopolitical theory may be a little strained. Walters argues that we have very much overrated Soviet conventional power since 1945, and generally exaggerated the possibility of "blitzkrieg" tank attacks, on the basis of mistaken inferences from the German defeat of France in 1940. Borrowing and quoting from Liddell Hart (although at times substantially modifying Liddell Hart's specific arguments), Walters contends that 1940 really showed the power of the defense, as Hitler's Panzer columns were dangerously overextended and ripe for a devastating counterblow. The mobility of armor, the author most strikingly contends, is actually a reinforcement for the defense, contrary to the military's conventional wisdom.

Many would agree that we have too much neglected the possibilities of reinforcing the defense in the European front, too easily conceding that the Russian Army could always sweep to the Rhine or to the Bay of Biscay if nuclear weapons had not stood in the way. Whether the proof of this would quite follow from Walters' reconstruction of 1940 is more debatable. The author mentions

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the Middle Eastern wars between Israel and Egypt (in which more tanks were involved than in the 1940 battles), but he cites them only in terms of the political impact of their outcomes, not for any military lessons that could be learned. The October 1973 war may indeed have shown that the tank can be stopped, by modern antitank weapons. Other analyses may similarly show that tank offensives can be stopped, regardless of whether mobility in fact helps or hurts the offensive.

Walters moves ahead with his geopolitical analysis to conclude that modern submarines will make the Arctic Ocean serve purposes similar to the Mediterranean in the past, leaving the USSR vulnerable to conventional attack on its northern flank even while the vulnerability of Western Europe to Russian tank attack has been disproven. Broad general conclusions are thus derived from this analysis about the imminent weakness of the USSR, faced also by threats from China to the south. All this again allegedly shows that the West has litle or no need to rely on threats of nuclear war; Walters does not go into any long discussion of the mechanisms of nuclear deterrence, but concludes that such deterrence is inherently flawed with logical and practical difficulties.

The author indulges in some extended and interesting speculation on the coming role of the submarines, perhaps as a merchant ship as well as warship, and the revolution in trade routes this might produce. Attention is also paid to the economic, political, and legal ramifications of the seabed. The text is additionally spiced with somewhat off-the-cuff observations about the role and treatment of blacks in the United States, the war in Vietnam, etc., all of them interesting, but less clearly derived from any of the geopolitics allegedly at this center of the analysis.

Walters' book thus makes lively reading for anyone tired of the ordinary analysis of international relations and superpower strategy, albeit that its value might largely be described as heuristic, rather than definitive or scientific. It may be high time that we critically reexamined the assumptions of mutual deterrence, asking whether such reliance on nuclear weapons is morally flawed, or indeed whether it was ever even necessary. Walters' book is certainly useful in this role.

GEORGE H. QUESTER
Cornell University

The Thin Blue Line: International Peacekeeping and Its Future *by Indar Jit Rikhye, Michael Harbottle, and Bjorn Egge. New Haven, Conn., Yale University Press, 1974.—xvi, 353 pp. $12.50.*

Having set aside for the time being the dream of collective security, the United Nations has become involved over the years in a variety of peace-keeping oper-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ations, which have been called by Leland M. Goodrich in *The United Nations in a Changing World* (New York, 1974, p. 138), "the most controversial, the most highly publicized, and in many respects, the most constructive and successful of its peace and security activities." In *The Thin Blue Line*, three officers who held high military posts in the past U.N. peace-keeping operations and who are now associated with the International Peace Academy, an independent educational body, have compiled a survey of international peace-keeping and its future. They are Major-General Indar Jit Rikhye, former military adviser to the secretary-general and commander of UNEF; Brigadier Michael Harbottle, who was chief of staff of the U.N. force in Cyprus, and Colonel Bjorn Egge, head of military information for the Congo operation. The book, which draws widely on the experience of these men, provides fascinating insights from the peace-keeper's point of view.

Appearances to the contrary notwithstanding, and despite the use of uniformed and usually armed troops, peace-keeping operations are not essentially military activities. They function by definition with the consent of the parties, do not engage in combat (save in the most exceptional circumstances and only in self-defense), and seek neither to secure military advantage nor to affect the military or political balance in a given dispute. They seek to introduce an impartial, third party element in international conflict situations, symbolizing the concern of the world community, endeavoring to help the sides forego the use of force and move toward peaceful conditions in which settlement of the disputes can most fruitfully be sought. For as long as this search goes on, they provide a device for keeping conflicts under control. Accordingly, such operations are not an end in themselves and Secretary-General Hammarskjold argued that they should be regarded as "provisional measures" under Article 40 of the Charter—a view that the authors of this study do not mention.

Since these operations are essentially a political device, their military activity, though highly important, remains for the most part symbolic, instrumental, and administrative. What makes the Rikhye-Harbottle-Egge book disappointing is that, while it covers the military aspects well, its grasp of the political problems is uneven. The case studies of particular operations—UNEF I and II, ONUC, UNFICYP, observer missions—provide valuable accounts of operational, logistic, deployment, and related problems in the field, questions of command and control, and the like. When it comes to the political side, however, the material often skims the surface of events and blandly catalogs formal proceedings. Little is said of the secretary-general's good offices or mediation efforts, which the field operations are designed to facilitate.

Even the essay on the Cyprus operation (UNFICYP), the best of the lot, stops short in 1968, when the intercommunal talks started, and has nothing at all to say about the progress of those talks, their reactivation in 1972 with the participation of the secretary-general's representative, and their ultimate failure.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The essay does provide a good account of the actual workings of the Cyprus U.N. force in the field—the handling and defusing of outbreaks of fighting, the restoration of a sense of security among civilian members of hostile communities, the ingenious use of military and psychological devices in restoring law and order; in short, the nuts and bolts of the unceasing struggle to keep a volatile situation under control in the face of heavy odds.

The second part of the book, entitled "Peace-keeping Future," contains valuable essays on the training and preparation required to turn soldiers into peace-keepers, and on the contribution of civilian components of peace-keeping, especially the U.N. Civilian Police in Cyprus and the U.N. Civilian Operations in the Congo.

Unfortunately, other chapters (xii, xiii) take up the oft-stated case that the U.N.'s existing lean machinery for directing peace-keeping operations should be supplemented by a ponderous military, research, and planning staff, complete with sociopsychologists, historians, and computer data banks. What is questionable is the utility of this sort of bureaucratic superstructure. For the members of the Security Council, who have all the diplomatic, intelligence, and research facilities of their governments at their disposal, having self-styled conflict control specialists monitor and identify impending strife would miss the real issue besides being unacceptable for other reasons. The issue is political: namely, whether and when it is possible in a given case to shape the necessary political consensus to allow any United Nations action to be taken at all. In some cases, for instance the conflict over Bangladesh in 1971, no such consensus emerged despite the secretary-general's invoking of Article 99 of the Charter. In other cases, as with regard to the Congo or recently over Cyprus, the consensus evaporates or conditions change in mid-journey.

Where the consensus exists, as in the establishment of the new UNEF in 1973, the U.N. has demonstrated that it can act with astonishing speed and efficiency. The book's epilog pays generous tribute to that success story, especially to the feat of deploying, within twenty-four hours, U.N. troops from the Cyprus operation into Sinai to supervise the cease-fire called for by the Security Council, and the subsequent implementation of the disengagement agreement. The authors might have noticed that in the process Secretary-General Waldheim also managed to work out overnight an ad hoc solution of the controversial problem of guidelines and control with which the Special Committee on Peace-keeping Operations had wrestled with little success for eight years.

Despite some flaws, the Rikhye-Harbottle-Egge book is a significant contribution to the growing literature on U.N. peace-keeping operations, which should be read in conjunction with Alan James's work, *The Politics of Peace-keeping* (New York, 1969), and with Rosalyn Higgins' documentary histories,

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

United Nations Peacekeeping (London, 1969 and 1970; two volumes published, others in preparation).

GEORGE L. SHERRY
*The United Nations**

* The opinions expressed in this review are those of the reviewer and do not necessarily reflect the views of the Secretariat of the United Nations.

Nonintervention and the International Order *by R. J. Vincent. Princeton, N. J., Princeton University Press, 1974.—viii, 457 pp. $18.50.*

R. J. Vincent's study of the status of nonintervention as a rule of international relations has an immediacy and political relevance beyond an arcane legal and philosophical exegesis on issues and doctrines long overtaken by history. If anything, he makes fresh the ancient debates. Despite scholarly fascination with a presumed transnational world society, he makes only too clear that the legacy of the modern state system weighs heavily upon us. Although Vincent begins his study with an analysis of the legal development of the principle of nonintervention, the character of the international legal system impels him to devote the bulk of his work to the political arguments underlying compliance—or noncompliance—with the principle.

He outlines four archetypical arguments concerning the principle of nonintervention—those of Richard Cobden, John Stuart Mill, Immanual Kant, and Joseph Mazzini. Basically, Cobden stated the most uncompromising theory of nonintervention—one founded on the partiality of states in defining universal notions of right and on the relative efficency of nonintervention in serving over the long run the material interest of peoples. It must be noted that a basic assumption undergirding Cobden's view was that transcending interstate relations there are a plethora of relations between peoples. Goods, people, and ideas are to cross frontiers freely, thus ameliorating state conflicts and binding nations together: "as little intercourse as possible betwixt the *governments*, as much connection as possible between the *nations* of the world." Hence, coupled with his doctrine of nonintervention was a liberal world vision which provided for the interpenetration of peoples. Mill, Kant, and Mazzini, while accepting much of Cobden's vision, provided in varying degrees for a policy of state intervention.

Mill enunciated the doctrines of limited humanitarian intervention to protect lives and property from barbarous acts of violence and to end deadlocked civil wars and of counterintervention to uphold the rule of nonintervention.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Kant perhaps eroded the limitation on intervention even further by his notion that stable rules of international behavior depend on a radical revision of international society into republican regimes. Moreover, although Vincent does not discuss it, the league of states in Kant's schemes might also possess a right of intervention in behalf of the republican order. Mazzini completes this evolution by arguing that the rule of nonintervention had become an instrument of the status quo employed by the great powers to protect "legitimate" governments while restricting transnational liberal ties and assistance. In effect, the erosion of the Cobdenite principle stemmed from the dynamics of anarchical competition itself and the conflicting political visions of the state actors.

Having outlined the classical arguments concerning nonintervention, Vincent explores the historical record since the French Revolution, including the contemporary theory and practice of the United States, the Soviet Union, and the United Nations. The account overwhelmingly reinforces the view that international anarchy and messianic visions render an absolutist doctrine of nonintervention tenuous at best, whatever the inconveniences and indeed occasional tragedies associated with the excesses of intervention. On the other hand, Vincent rejects the attempt by certain scholars, such as John Norton Moore, to evolve rules of intervention which will presumably limit if not deny intervention. Such norms are more likely to give good conscience to disruptive rulers than to restrict blatant interference.

What then is Vincent's solution? Remarkably, given the weight of his theoretical and historical analysis, he opts for Richard Cobden. Unable to accept rules for legitimate intervention, he gives no alternative other than rigorous adherence to norms of nonintervention. Given his description of contemporary international politics, his recommendations strike one as a retreat rather than an answer. Perhaps the only position is to maintain ambiguity rather than sanction nasty conduct or impose impossible rules of behavior.

ROBERT S. WOOD
University of Virginia

The Maturing of Multinational Enterprise: American Business Abroad from 1914 to 1970 *by Mira Wilkins. Cambridge, Mass., Harvard University Press, 1974.—xvi, 590 pp. $22.00.*

This is the follow-up volume to Mira Wilkins' *The Emergence of Multinational Enterprise*, which covered foreign operations of United States companies prior to World War I. The two volumes together represent certainly the most comprehensive, thorough, and scholarly history of direct foreign investment by American multinational firms to date. Besides covering over half a decade of recent business history, the present volume encompasses foreign investment in all in-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

dustries—finance, retail trade, and public utilities—as well as the more traditional manufacturing, petroleum, and mining industries.

The book is business history, heavy on the facts and somewhat lighter on the interpretation. It makes no direct judgments as to whether the foreign activities of American multinationals have been good or bad; politically destabilizing or stabilizing; enhancing of economic welfare of the host country or damaging to it. Nor does the study deal, except in passing, with the underlying economic causes or explanations of foreign investment. Indeed, perhaps the most striking message is the great diversity in the magnitudes, forms, motives, and results of foreign investments by American firms over the long pull.

The study is divided into six parts, corresponding to fairly homogeneous subperiods in the time from World War I to the present. The first covers World War I and its immediate aftermath (to 1920); the second, the "boom" years of the 1920s; the third, the depression of the 1930s; the fourth, the traumatic years of World War II and reconstruction (to 1955), and the fifth, the modern (boom) years of 1955 to 1970. The final section provides a summary perspective for this detailed history, and elaborates the author's "theory" of United States direct foreign investment.

Wilkins is concerned primarily with the *entry* of American firms into production activities in foreign countries, although considerable attention is placed on the policy environment in both the host countries and the United States. The focus is thus "with when, which, why, how and where American business went abroad . . . and how U.S. enterprises got along in alien lands" (p. vii). Within each part the foreign activities of American firms are grouped into those which were "market oriented," thus using foreign facilities to supply essentially foreign markets, and those which were "supply oriented" and designed to obtain raw material inputs for United States (or foreign affiliates') production activities. Within this useful dichotomy, which is maintained throughout, the material is organized along broad industry lines (petroleum companies, chemical companies, finance companies, etc.), and by broad geographic regions (Canada, Latin America, United Kingdom, Africa, etc.).

While emphasizing the great diversity of motives, circumstances, and results of United States foreign investment, Wilkins utilizes a central theme (or model) which is eventually articulated in the final chapter. This model views the foreign activities of American firms as a cumulative process which progresses through three stages, but which is an inherent part of the growth of the firm itself. The model is an appealing one which squares with many of the facts as presented in the volume. It adds to our understanding of international activities as an integral part of the evolution of large firms, but it is not a "robust" theory in the sense of providing a basis for prediction of multinationals' activities in the future or of the results of different policy stances on such activity.

As with much history, this book is least satisfying in its treatment of the

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

most recent period (1956–1970). There are also many details and emphases with which I and other readers will quibble. But to date, Wilkins' two volumes provide the definitive general history of United States direct investment abroad. Their careful study by both the critics and champions of the multinationals might remove some of the shrillness from the debate.

ROBERT G. HAWKINS
New York University and University of Reading

Political Learning, Political Choice, and Democratic Citizenship *by Robert Weissberg. Englewood Cliffs, N. J., Prentice-Hall, Inc., 1974.—xv, 205 pp. $8.95.*

This slender volume offers a well-organized and thoughtfully analyzed bird's eye view of the major findings from the American political socialization literature. In many ways, it can function as a successor to Herbert Hyman's 1959 volume on *Political Socialization* which was the first inventory on the topic. It must be assumed that it was written for the serious undergraduate and possibly for the political scientist unfamiliar with the topic.

For the novice it offers a crisp, brief overview of the state of knowledge in the field of political socialization. He covers—and covers well—all the major topics researched by scholars in the field, such as the nature of patriotism, orientations toward authority, especially the president and policeman, the acquisitions of party identification, and attachment to democratic values. When discussing each of these topics he carefully points to agreements and inconsistencies in the findings, and he occasionally offers critiques and interpretations, although one might wish he had done so more often. For all topics he is careful to observe changes with age and differences for social groups. Particularly useful are the tables he constructed which combine findings from different studies by different authors.

Weissberg devotes far more space and detail to the older and better-known works in the field in spite of their agreed-upon limitations than he does to the newer works. This is regrettable since some of the recent work, especially in the area of cognitive development and its application to the sociopolitical problems of the day, is probably particularly significant. Another topic this reviewer would have liked to have seen discussed more fully is the work on personality, particularly on feelings of personal competence, and its relation to adolescent political orientations. The author has a habit of alluding to such work but then abandoning it because it is "too complicated" or incomplete. Presented in this way it seems neither informative nor useful for the beginning reader.

In another section Weissberg offers compelling evidence of the shallowness of youth's attachment to many democratic values with the possible exception

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of freedom of worship. Youths in this respect are only too discomfortingly similar to the American adult.

In reading the author's concise summary of the "old works" one is aware of how time-bound they seem even today. Less than ten years old, many of the findings already are obsolete, especially as they relate to political cynicism, trust in officials, etc. What seemed timeless verities even five years ago may well have been the artifacts of the prosperous pre-Watergate United States.

Weissberg correctly concludes that we still have no solid evidence about the absolute or even the relative strengths of the various socialization agents. He is particularly convincing when he documents how these agents exclude from consideration alternate policy choices, thus creating an artificial consensus. It is too bad that he fails to trace how this influences curriculum building in the schools, for example. School curricula and teaching methods may also be the reason students have so much trouble in understanding democracy and applying democratic principles to concrete situations. We simply do not train our students to develop their cognitive capacities as well in this area as we do in other fields such as algebra and geometry.

Weissberg has little to say, critical or otherwise, about the methodology of political socialization studies and the way in which these predetermine some of the results. The persistent utilization of sample surveys may well be one reason why we know as little as we do about the *process* of political socialization and why what we think we do know turns out to be unreliable.

This useful, brief summary will have served its purpose well if it will lead the reader to go on and acquaint himself with the fast-growing body of the serious political socialization literature.

ROBERTA S. SIGEL
Douglass College,
Rutgers—The State University of New Jersey

Psychological Needs and Political Behavior *by Stanley Allen Renshon. New York, The Free Press, 1974.—xiv, 300 pp. $10.95.*

The use of psychology to explain political behavior can be one of the most exciting and rewarding challenges for political scientists. However, if political scientists want to be psychologists, they must free themselves from a methodological block. The questionnaire approach has its virtues as well as its limits. The reliance on such an approach to the study of political attitudes and behavior has limited the contribution of the political scientists to the understanding of human psychology. Professor Renshon's book attempts to apply personality need theory to understanding political behavior. This, of course, has been done before, but the author believes that his work is different because it operation-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

alizes the concept of "personal control." Using a questionnaire, he attempts to measure the degree of personal control in individuals and makes predictions about their political participation.

Renshon's sample includes 300 undergraduate students about which he tells us very little. Anticipating statistical purists' objections, he offers an apology. He claims that such a limited sample can be useful in "uncovering relationships." He does not claim to be making any generalizations from his research. However, this disclaimer gets lost as he reports the data. Even if one could accept the data and statistical strategy, the question remains whether the author's research findings support his case.

Renshon believes that people desire to have personal control of their general environment. The political system is a part of that environment and therefore becomes a target for seeking control. He asserts " . . . when politics is perceived to be a control-relevant aspect of an individual's psychological life space, the link is forged between psychological needs and political life" (p. 2). The motivation to participation in politics is seen as an assertion of an inner need for personal control over one's environment. Renshon is quick to assure us that he is not suggesting any "unicausal" explanation for individual involvement in political interaction. To prove that he is aware of other possible explanations, several chapters survey the literature on personality theories, political efficacy, socialization theories, and political alienation. Those readers familiar with this literature should skip it and go directly to the chapters reporting Renshon's research. Some may wonder why Renshon felt that the work of J. Milton Yinger in field theory was not relevant to his review.

Renshon reports that his own research has suggested the need for reconceptualization of a theory of political efficacy. The author relies on the work of Julian Rotter to make his point about personal control and its consequences for political life. The relative levels of personal control (high, medium, low) will determine how an individual will evaluate his participation in politics. The reconceptualization of political efficacy should follow what the author calls a need-base theory. There is a curvilinear relationship between the need for personal control and the political participation strategies employed by the individual. The political system, in order to benefit from these individual probes for self-actualization, must become more relevant and responsive. In other words, people participate in politics in order to gain personal control if there is a high level of political saliency. Increased participation in or withdrawal from politics is a result of the individual's perception of the usefulness of such involvement to his attempt to gain personal control.

Renshon's own values are scattered throughout the book. He believes that participation in politics should be a therapeutic experience. He wants government to become responsive to psychological needs of individuals. He predicts that both the political system and citizens will be happier with this encounter-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

group arrangement. However, the decade of the 1960s and the poverty programs have proven that persons who were most active in citizen participation experiences were not interested in therapy, but in power redistribution. If people are seeking therapy, they must be going elsewhere for it. So Renshon's prophesy has little historical fact to support it. The book is a good research idea that was executed poorly. The author's weak empirical case undermines an otherwise provocative set of ideas. It is worth reading despite its faults.

WILBUR C. RICH
Columbia University

A Theory of Conflict *by Brian Crozier. New York, Charles Scribner's Sons, 1974.—xvii, 245 pp. $12.50.*

The title of this book is misleading. Far from providing a reasoned theory of conflict, the author offers here a hodgepodge of miscellaneous data and commentaries on a wide variety of topics related to rebellion and revolution, seasoned with right-wing ideology and cold war fanaticism.

After an introduction in which Crozier expounds his private theory of the nature of human nature and from which one learns that man is "innately envious and aggressive" and that "his nature is not subject to change" (p. viii) (except perhaps by chemical means), he proceeds to reason that the State is necessary to hold in check man's brutish propensities, but that rebellion against the State is also inevitable. The causes of rebellion, the author claims, are manifold, but ultimately "the proper study of rebellions is that of rebels" (p. 16). What makes men into rebels? Crozier is not sure, although he suspects that chromosomes may be responsible; he also suggests, not very helpfully, that "in some [rebels] there is what might be called a hypertrophy of the rebellious factor" (p. 17).

These forays into deep thinking out of the way, the author proceeds in the rest of the book to glide with apparent effortlessness over the surface of an amazing number of ideas and events. A chapter modestly entitled "From Prehistory to J. S. Mill" proceeds in fifteen pages to deal with Sumer, Ancient Egypt and China, Greece and Rome, Plato, Aristotle, St. Augustine, St. Thomas, Luther, Machiavelli, Bodin, Hobbes, Rousseau, Locke, and Mill. In later chapters we are given superficial capsule summaries, among others, of the English, French, and Russian revolutions; discussions of Vietnam and Ulster; the Uruguayan Tupamaros, Castro and Debray, as well as commentaries on the degeneracy of the Greek and Spanish democratic regime which "explain" both the rise of the Greek colonels and Franco's rule.

Crozier is best known as an expert on counterinsurgency and a lecturer on

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

revolutionary warfare in his native Britain and in the defense colleges of various Western countries. In fact, one may surmise that the book under review probably grew out of a course in some such setting; it has all the hallmarks.

Crozier is deeply pessimistic about the future of the West. Its moral fiber is undermined by its "abject tolerance" (p. 218) of pornography, "the emergence of hippy communities, the cult of the dropout and the mass ritual of pop music" (p. 218). Liberalism has failed, he avers, since it has proved defenseless against the onslaught of "new forms of barbarism" (p. 218). The increasing employment of women has weakened family ties and the decline of the family has stimulated the growth of urban crime. "The Freudian school of psychology [has] powerfully contributed to the decline of moral standards and provided a potent justification of mass pornography" (p. 221). Rebels and revolutionaries lurk everywhere and thrive on the "collective and suicide complex of the West" (p. 232). But there is still hope. If the Western states rapidly create "Departments of Unconventional Warfare," bringing together security specialists, Special Branch men, skilled interrogators, bomb disposal experts, specialists in psychological warfare, and the like to combat the enemy within and without, and if the decadent democratic party system is replaced by the "Crozier system based on the concept of the No-Party State" (p. 237), the decline of the West may be arrested.

This volume has no redeeming scholarly merit but it can yet be read with profit in that it affords some privileged access to the kind of mentality that still seems to thrive in the international counterinsurgency fraternity.

LEWIS A. COSER
State University of New York at Stony Brook

Population Policy in Developed Countries *edited by Bernard Berelson. New York, McGraw-Hill, A Population Council Book, 1974.—xii, 793 pp. $17.50.*

Given the growing trend among political scientists to examine public policies —their determinants, the instruments employed, the interests they represent, their implementation, and their consequences—this book deserves a wide audience within the profession. It will, of course, attract greatest interest among those concerned with the study of population. The title, however, will restrict rather than enlarge the audience, for "population policy" is actually broadly defined to include not only those policies that are directly intended to affect demographic events, but also policies that have significant demographic effects irrespective of governmental intent. Most of the policies described include what in the United States are now referred to as "social policies," what many Europeans refer to as "family policies," and what are generally included as labor

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

policies and urban and regional development policies. "Demographic" also is used broadly to include policies that affect fertility, mortality (including health), and migration, both international and internal.

This book thus liberates the notion of population policy from a narrow consideration of family planning, abortion, marriage, and divorce legislation to take a broader view of population dynamics, reflecting the growing notion of population as a *qualitative* as well as *quantitative* issue. It thereby recognizes that demographic considerations are only one component in governmental policy decisions that have demographic consequences, although in recent years demographic objectives themselves have become more explicit.

Dr. Bernard Berelson, until recently president of the Population Council, has pulled together scholars from twenty-four developed nations, including most of the countries of Europe, the Soviet Union, the United States and Canada, Argentina, Israel, Japan, and Australia. Each essay gives a demographic overview, defines policies, discusses the problems which these policies intended to solve, and the political and ideological context within which policies were adopted. The papers focus on the postwar era, though several (notably the papers on Ireland, Spain, and France) take a longer historical look.

Since the papers were written by population experts, they say little about the political process which led to policy decisions. Several, however, give attention to the political participants and to the major political controversies affecting the choice of policies. Of special interest is the discussion by Friedlander concerning Arab-Jewish fertility differentials in Israel and the issues it raised for Israeli elites; the paper on Canada by Henripin and Gauthier discussing the combined impact of declining French Canadian fertility, non-French migration, and linguistic assimilation, on French attitudes toward separation; the paper by Gregoratti and Luzzetti on the way in which population growth in Brazil and Chilean migration to Argentina have influenced pronatality thinking; Westoff's review of the impact of the environmental movement, women's liberation, ethnic political groups, and the Catholic Church on United States thinking about issues of both population growth and distribution; the discussion by Kuroda and Muramatsu on the contrast between the pronatalistic attitudes of conservative Japanese governments and the growing concern by environmentalists; and Borries' discussion of the clash between employers and trade unions over immigration policies in Australia.

With the exception of Ziolkowski's paper on Poland, those on Eastern Europe and the Soviet Union read like official government reports, with little attention given to controversies over policy choices. The decision by the Romanian government in 1966 to reverse its 1957 policy of legal abortion on request is treated casually as a "necessity to assure sufficient proper manpower in the future" (p. 367), though its effect was a massive increase in (probably unwanted) births from 55 per thousand in 1966 to 105 per thousand in 1967. (Each year

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

thereafter fertility declined as women apparently found alternative contraceptive methods or turned to illegal abortion.) Similarly, the other papers on Eastern Europe say little concerning public attitudes toward their governments' pronatality policies.

Berelson, in an excellent concluding essay, summarizes some of the main population issues in the developed countries: the concern over differential mortality and fertility rates, the issues of international migration (its economic benefits, but its social and political liabilities), the concern over the internal distribution of population (both urban concentration and the depopulation of some regions), and the growing relationship of population with environmental/ecological concerns. Berelson notes that as population growth declines in the developed countries there is increasing concern with qualitative issues, especially population distribution, environment, the use of space, the limits on resources, and in some countries (under conditions of rapid economic growth) a concern over manpower shortages. Faced with these developments, some countries take a pronatalist path (Israel, Argentina, France, Romania, Spain, Greece, Japan, probably the Soviet Union, and most of the countries of Eastern Europe), while others welcome the possibility of stabilizing their populations. Berelson emphasizes the similarity of these concerns in developed countries, irrespective of whether regimes are capitalist, socialist, or communist.

Conceptually the volume's weakest feature—and I say this less as criticism than to suggest what needs to be done—is that few of the papers provide any evidence as to the *effects* of government policies. Have family allowances in France, Germany, and Sweden notably affected birth rates? What impact has the availability (or restrictions) on family planning services or abortions had upon fertility? Are there other social or economic consequences of pronatality policies? Do policies to increase female participation in the labor force reduce fertility, or is it the decline in fertility that increases female participation? What differences have regional development policies, internal passport controls (e.g., the Soviet Union), wage policies, and administrative decentralization had upon internal population distribution? An understanding of the effects of these population policies in the developed countries would be suggestive in determining the efficacy of public interventions now being advocated in the less developed countries.

In short, the papers provide excellent accounts of *what* governments do, but only cursory analyses of *why* and with what *consequences*, either for individual behavior or for the political system. Like any good book, this one points the way toward asking new questions.

MYRON WEINER
Massachusetts Institute of Technology

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Electoral Behavior: A Comparative Handbook *edited by Richard Rose. New York, The Free Press, 1974.—xiii, 753 pp. $29.95.*

Electoral Behavior is the product of a massive and ambitious undertaking. Under the auspices of the Committee on Political Sociology of the International Sociological Association, Richard Rose has brought together fifteen scholars, each an expert on the political sociology of a particular country or area, and organized a rigorously systematic, country-by-country comparison of "the social basis" of electoral politics. *Electoral Behavior* is billed as a handbook. The presentation of such an enormous amount of descriptive data, quantitative findings, and bibliographic information is in itself a substantial accomplishment, comparable in significance to the publication of the *World Handbooks of Political and Social Indicators* by the Yale Political Data Program. In contrast to the usual format of collected essays by country specialists, Rose has gotten his contributors to toe the line. Each chapter follows the same basic analytical outline, discusses precisely comparable issues, and presents systematically comparative evidence. Indeed, the (very useful) index to the book testifies to the success of the project. The relationship between level of income and party support in Finland? See page 300. In Germany? See page 152. Canada? See pages 572 and 578. The political effects of age in Belgium? See pages 91–92. In Britain? See page 521. And even—Saints preserve us—sex in Ireland. (Not to worry. Dr. J. H. Whyte informs us, on p. 639 as promised, that "sex appears to be of slight importance.")

Twelve Western societies are represented in the book, each with a separate and substantial chapter: Belgium, West Germany, Italy, the Netherlands, Finland, Norway, Sweden, Australia, Britain, Canada, Ireland, and the United States. It is good, in such a handbook, to have information on such heretofore understudied countries as Ireland, Australia, and Belgium. It is also good to bring information on such widely studied countries as Germany, Britain, and the United States into organized comparative perspective. One sympathizes as Rose laments the difficulty of obtaining high-quality manuscripts on every country in the Western world (p. 6). But a *handbook* on Western political behavior without France?

All in all, you get a good deal of valuable information for your $29.95. Each chapter follows the same basic outline:

1. A brief historical sketch of the development of the postwar party system
2. Trend data dealing with socioeconomic and cultural changes, turnout, and election results, often disaggregated below the national level and sometimes going back into the prewar period, including one heroic table by Walter Dean Burnham (pp. 676–677) showing percentages of the vote cast and percentages of the *potential* electorate supporting the major parties in all American presidential and congressional elections, 1876–1968 (nonvoters have won fifteen out of the last sixteen presidential elections and every congressional election since 1900)

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

3. A detailed description of the rules regarding voter participation and parliamentary representation
4. A source listing of published and unpublished political surveys and aggregate electoral data
5. A detailed, variable-by-variable analysis of the social factors associated with party support, using at least one reliable national voter survey for each country, most of the surveys dating from the late 1960s.
6. A "tree analysis" for each country, using the Automatic Interaction Detector program (A.I.D.) developed by Sonquist and Morgan, to analyze the interaction of the various social factors and to reduce each national electorate to homogeneous partisan groups
7. A bibliography of published works dealing with each country's electoral system and voting behavior

The editor's effort at standardization notwithstanding, there are many welcome individual touches in the different chapters. Mildred Schwartz reviews a good deal of the recent research on Canadian politics in her chapter, Bo Särlvik includes a nice treatment of party perceptions and ideological distances in Sweden, and Walter Dean Burnham provides a concise overview of regionalism and realignment sequences in the United States. Keith Hill's chapter on Belgium and Arend Lijphart's on the Netherlands are masterful; they take excessively complex political situations, clarify them, and make them accessible to "an intelligent social scientist unfamiliar with your country," the audience whom the authors were requested to address.

A few criticisms of presentation. The data are generally well presented and the statistical details kept under control, making the book readable even by nonquantitative political scientists. As a matter of style, one would wish for less emphasis on "explaining variance" as the goal of quantitative analysis—the obsession we try to discourage in our graduate students—and more emphasis on actual effects, "the effect of variable *X* on preference for party *Y*," i.e., a regression- rather than correlation-oriented approach. In each chapter, the sociological variables are tested one at a time, with appropriate controls for major cleavage variables as a safeguard against spuriousness. This is not inappropriate for a handbook, but it does make for heavy going if the chapters are designed to be read by the old-fashioned linear method. Even the reader who is utterly fascinated by figures is likely to lose patience with the laundry-list approach to much of the material. The book could use a better theoretical classification of effects. For instance:

1. Variables which define the *principal cleavages* in the party system (most often, social class and religion)
2. Variables with *spurious effects* which become insignificant when the principal cleavages are controlled; and variables with *no effect* to begin with (sex and education often fall into one or the other of these categories)
3. *Conditional variables*, which specify the operative mechanisms through which the principal cleavages are translated into party support (trade union affiliation, home ownership, religiosity)

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

4. *Contextual effects*, or specific settings in which the effects of the principal cleavages are intensified, diminished, or even reversed (regions, minority ethnic groups, different generations, etc.)
5. Variables associated with *changes* in party support over time (education, generation, exposure to mass communications)

Observations along these lines are made from time to time throughout the book, but there is still a need to bring more order to the whole proceedings. I also have a minor editorial complaint: the direction of percentaging is usually, but not always, indicated, and there are many tables where one is not immediately sure of what percentages one is reading.

The theoretical model assumed throughout *Electoral Behavior* is that of a *fully mobilized party system*, as described by Seymour Martin Lipset and Stein Rokkan in an earlier publication of the Committee on Political Sociology (*Party Systems and Voter Alignments*, 1967). Indeed, the "tree analysis" technique, used to summarize the political cleavage structure of each country, is essentially a direct methodological translation of the Lipset-Rokkan model: a search for those variables which, in combination, reduce each national electorate to basic, homogeneous partisan groups. Yet what is most striking is the weakness of the "tree analysis" solutions; homogeneous voting blocs are very hard to define. Partly this is due to the simplifying assumptions of the technique and the crudity of measurement (all cleavages represented as dichotomies). But the results also imply a finding of some theoretical significance. In almost all cases, structural variables are less powerful in explaining party support than organizational and situational variables. Thus, trade union membership tends to count more than occupational status, church attendance more than church affiliation, tenancy status more than area of residence. Several authors stress the importance of active subcultural and organizational ties in enforcing partisan regularity, a finding that represents a significant refinement of the Lipset-Rokkan model: historical crises persist in the form of political cleavages, and these cleavages are maintained, long after ideological polarization has weakened, by means of strong mass organizations and subcultural homogeneity.

There is also evidence of substantial partisan demobilization in virtually every country described. Certainly mass education and mass communications have some role in weakening subcultural isolation. But one must also take into account the political changes first observed by the late Otto Kirchheimer—the rise of the "catch-all party," which is defined by a *minimum* level of social homogeneity and organizational elaboration. The real value of the Rose volume is not in defining a permanent structure of partisan cleavage, but in describing a base line from which current and future political changes can be measured.

WILLIAM SCHNEIDER
Harvard University

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Canada's War: The Politics of the Mackenzie King Government, 1939–45 *by J. L. Granatstein. New York, Oxford University Press, 1975.— xi, 436 pp. $18.95.*

The subtitle of this book is a closer indication of its contents than the title. *Canada's War* contains nothing about operations, and little about military leadership and organization. It tells the war effort as King saw it. The author thoroughly analyzes the prime minister's views and reactions by making exhaustive use of primary sources in print or in archives from coast to coast and in Britain. Among the book's important contributions is an analytical account of King's determination to use the development of war production in Canada to provide the means for supporting both the Canadian war effort and future Canadian prosperity. This led to a tussle against British "insensitivity to Canadian concerns" (p. 62). The book also describes the nature of King's personal relations with Roosevelt which won a place for Canada in North American war production; and it narrates with new detail the two conscription crises that nearly broke the Liberal party. Finally it gives a most revealing presentation of King's part in introducing social policies that, according to Granatstein, were designed during the war to offset Canadian memories of the Great Depression rather than, as similar measures have been described in other countries, to be a reward for the people for their war effort. The book throws new light on the extent to which party division on these issues coincided with the division over national military service.

Mr. Granatstein apparently accepts the assumption that Canada entered the war in 1939 solely because of the colonial mentality of some English-speaking Canadians (p. 420) and he states that Mackenzie King's mind was made up and was "crystal clear" (p. 2) in favor of participation in it as early as Munich. Granatstein admits that Hitler's Germany was an "evil beyond compare" (p. 63), yet his belief is that Canada should not have entered the war then, if at all (p. 424), and he presumably discounts as mere platitude such statements as that of Robert Bryce (later clerk of the Privy Council) who coupled "a spirit of a crusade for the protection of our ideals of freedom and democracy" (p. 63) with Canada's sense of loyalty to the mother country. In this connection the fact that, as Granatstein reminds us, European diplomacy had been marked by "follies" (p. 420) can perhaps be said to have become irrelevant by 1939. Would it not be more correct to say of King, not that he was in favor of participation, but that he was aware by that time that, if war came, it would be impossible for Canada to stay out because a majority of Canadians had come reluctantly to understand in a vague way the implications of Hitler's policies, if not the full extent of their inhumanity, as revealed later?

This book brings out clearly the unmistakeable irony of human history that war can be a constructive force for some countries. Despite enormous losses of life and profligate economic expenditures, Granatstein demonstrates that

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

"Canada's War" was an important element in nation-building and made the country a modern state better able to cope with social problems made more difficult by technological advance. Canada came out of the war stronger, wealthier, and more aware of her identity than she went into it and probably than she would have been without it. Such objectives were not (and of course should not be) a reason for going to war; but Mackenzie King had a hand in making sure that Canada benefited from the war, and his political cunning helped him to minimize the disruptive tendencies that war issues aroused.

Although Granatstein is cynical about King's love of power, he cannot conceal his admiration for King's great ability. Mackenzie King is shown to have been excessively sensitive to possible political repercussions, and more successful in assessing public opinion than most modern pollsters. He could be ruthless when necessity seemed to him to require it (as when he forced Ralston out of the cabinet), yet also charming and persuasive to gain his political ends. Few people could call him friend, and his colleagues distrusted, and even despised, his intriguing. But they could not have done without him. Nor perhaps could Canada. This appears to be the conclusion that Granatstein's book suggests, though possibly not one that he likes.

RICHARD A. PRESTON
Duke University

British Cabinet Ministers: The Roles of Politicians in Executive Office *by Bruce Headey. London, Allen and Unwin, 1974.—316 pp. $20.*

Joining an intimate knowledge of British government with a modest, clear, and reasonable borrowing from the insights and methods of the social sciences. Bruce Headey of the enterprising Politics Department of the University of Strathclyde has written a substantial informative study about the perceptions by British cabinet members of their roles and about their capacity to perform in those roles. The principal empirical basis for his book, and the source of his most important contributions, is material from interviews conducted by the author himself. No fewer than fifty postwar ministers (thirty of whom held or had held cabinet status) plus twenty-five high-level civil servants were interviewed, usually at length and with considerable open-ended discussion along with some structured questions. Anyone who has tried to interview top political leaders, in Britain or elsewhere, will surely be impressed by the scope and success of Headey's effort. His book, however, does not depend solely on interview material. He has also made good use of many published sources, including standard biographical data, ministerial memoirs, and other studies of cabinet members, and even of the appointment diaries of several ministers. Several brief case studies of ministerial records are presented.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Headey first presents a typology of cabinet ministers according to ministerial conceptions of their own roles. He discovers five main types: Minimalists, limiting themselves largely to defending their own departments in Parliament and in the cabinet; Policy Selectors, who at least also choose among alternative lines of policy submitted by their departmental staffs; Policy Initiators, going further by setting their own objectives; Executive Ministers, primarily interested in efficient departmental management; and Ambassador Ministers, who emphasize public relations. Overall, most of Headey's ministers, while differing in their conceptions as the typology indicates, attached priority to departmental responsibilities rather than to cabinet or interdepartmental relations. This may strike many readers as Headey's most significant finding. It is made no less significant when contemplated along with Headey's evidence that British ministers are seldom prepared by their training or previous experience for departmental responsibilities in general or in the particular subjects assigned to their departments, and with his evidence that most postwar ministers have stayed in specific positions for relatively short periods.

It is at least possible to infer that British ministers are not well suited for the roles that they often perceive as those that they should perform. Such an inference is most likely with respect to the Policy Initiator and the Executive Minister. For those content with Minimalist and probably Ambassador Minister and Policy Selector tasks, the absence of specialized subject-matter knowledge or managerial experience is hardly any handicap. The required qualities, especially for representing departmental interests in the Commons and in the cabinet, are long parliamentary service and party popularity. These qualities, as Headey emphasizes, British cabinet ministers almost always have in abundance. Moreover, if ministers are successfully to remain in office, they must put these qualities to good and frequent use. Headey shows that they do so, and thus spend much of their time in performing the Minimalist role even when they wish they could do something else. To some extent, this limitation is attributable to parliamentary time pressures, along with those of routine paperwork, but ministers wanting to initiate policies suffer also because they have been unable to formulate policy objectives before taking office or to do so quickly enough after taking office.

Headey acknowledges that the British system thus pays a price—namely, less likelihood of ministerial initiative in policy making as well as in departmental management—for recruiting its cabinet ministers almost exclusively from its most successful parliamentary party politicians. He puts this system neatly into comparative perspective in a chapter describing the different bases for cabinet selection in Canada, Australia, the Netherlands, and the United States. Altogether Headey's work deserves to be read even outside the circle of British politics students. He has something to say about government generally, and for the most part he says it very well. Here and there points are perhaps unneces-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

sarily repeated, but the repetition is by no means a serious flaw in an otherwise first-class scholarly study.

LEON D. EPSTEIN
University of Wisconsin-Madison

Black British, White British *by Dilip Hiro. New York, Monthly Review Press, 1973.—xxii, 346 pp. $8.95.*

Attitudinal racism is the centerpiece of journalist Dilip Hiro's descriptive account of British race relations. Favorably citing Gunnar Myrdal's well-known assertion that "it is the popular beliefs, and they alone, which enter directly into the causal mechanism of interracial relations" (p. 291), Hiro takes as his organizing theme "the contradictions between the moral attitudes of most British and their socio-historical attitudes" (p. xxii). This orientation allows him to do a number of things very well. Without seeking to break new scholarly ground, the book summarizes the history of Empire, and the racist ideology it engendered. This ideology, Hiro effectively argues, has developed an autonomy and persistence of its own. White British of all classes have imbibed the racist drink; as a result, racist views and practices are not isolated but pervasive in British society.

Hiro's focus on white attitudes is complemented by the best sections of the book which introduce us to everyday life of blacks in Britain, and indicate precisely how the attitudinal contradictions in white society get played out in the lives of black Englishmen. These discussions of West Indian—and especially Asian—cultural, economic, and political life resonate with intimate sensibility. We come to touch the pain of the immigrant ordeal and the palpable joys of communal resistance. And especially in these sections the telling is made even more powerful by the understated quality of Hiro's prose.

Analytically, however, the book is disappointing. The attitudinal orientation borrowed from Myrdal is the only unifying construct in the book, and by itself it will not do. This is not merely an academic quibble since the virtually exclusive focus on attitudes begs important questions about the economic and political factors that sustain and reproduce relationships of racial inequality. A more systematic focus on themes of political economy and social control would have permitted Hiro to transcend description.

He begins his discussion of Empire with Leonard Woolf's assertion that for the global aims of British manufacturers to have been achieved "under the complicated system of western civilization, it was necessary that the whole economic system of the Asiatic and African should be adjusted and assimilated with that of Europe." The discussion of Empire which follows serves the purpose of explaining the now distant origins of British racism. But the integra-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tion of former colonies and their work forces into the British political economy, of course, has not ceased. Yet the import of this continuing capitalist-colonial nexus is insufficiently explored. And only by such an exploration can the public policies Hiro reviews so exhaustively (relying too heavily on Paul Foot's *Immigration and Race in British Politics)* be fully understood.

The nexus of government policies—including successively restrictive immigration acts, antidiscrimination laws, and the creation of a national network of institutions to integrate the newcomers—has had the dual character of shifting the status of immigrant blacks to that approaching contract labor on the German or Swiss model and of incorporating the black community into the British polity on terms that do not challenge the cohesion of prevailing class relationships. As factors of production, Manuel Castells has recently noted, the immigrant workers have been terribly important for European capital: they are productive laborers in the expansionary phase of the business cycle, excludable in the recessionary phase, and consume little, thus reducing inflationary pressures. Their vulnerability makes them a nineteenth-century proletariat in a twentieth-century economy who can be treated almost as if the labor movement did not exist. And complementing their vulnerability at work has been a process of institutional integration centering around the network of the Community Relations Commission that has defused black militancy and insulated Labour-Conservative politics from many of the anomic features of the politics of race. The materials for these dimensions of analysis are present in the book in ample supply. Had Hiro seized the analytical opportunity he would have written a major study of British race relations. As it is, he has made a useful, if limited, contribution.

Black British, White British concludes with a plea for social pluralism and ethnic identity, and argues that the Asian community in Britain has come close to achieving this mode of relating to white society by reproducing traditional cultural patterns in England. Cultural distinctiveness and mutual respect, Hiro suggests, can transcend the racist inheritance. Even conceding skeptically that this is so, we come full circle back to the limits of an attitudinal analysis. For without successful collective struggles to break out of the constraints imposed not simply by a racist culture but by the routine operation of the political economy, black Englishmen will continue to be exploited cultural curiosities.

IRA KATZNELSON
University of Chicago

French International Policy under De Gaulle and Pompidou: The Politics of Grandeur *by Edward A. Kolodziej. Ithaca, N. Y., Cornell University Press, 1974.—618 pp. $24.50.*

It is surprising how few scholarly works on De Gaulle's foreign policy have appeared in English. Only occasional essays and several chapters in Stanley Hoff-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

mann's *Decline or Renewal? France Since the 1930s* (New York, The Viking Press, 1974) represent serious efforts in critical analysis and interpretation. It appears that De Gaulle; having alienated and confused so many of the world's statesmen, also intimidated foreign policy experts and scholars. There has been no systematic study linking his premises to his tactics and no assessment of his "successes" and "failures." If we were to take France in 1958, when he returned to power to stay for eleven years, and compare her position in the international world then with her position now, what conclusions could we draw? How has the policy of independence fared? What is France's role in Europe and the Middle East? Has the bipolar system—the two blocs created at Yalta—given way to genuine multicentrism? And above all, has France attained any degree of strength and any position of leadership in Western Europe? These were precisely the Gaullist aims, and the record of achievement is very spotty. De Gaulle was, in fact, unable to change much of the international environment when he came to grips with it!

One would have hoped that Professor Kolodziej's book would provide both a comprehensive and critical examination of the Gaullist foreign policy but despite its many positive aspects, it does not. The book is comprehensive; it not only deals with every aspect of De Gaulle's foreign policy—both chronologically and regionally—but it also includes the Pompidou years (1969–1973). The Gaullist basic assumptions are ably treated in the introduction: De Gaulle's insistence on the primacy of the nation-state; his preference for bilateral arrangements; his phobia of integrative arrangements; his disregard for ideologies. Having been well stated, however, they are often lost from sight in the analysis that follows or at least they are not connected properly with De Gaulle's actions. The author proceeds to unfold these actions step by step and region by region. First he discusses France's position in the Atlantic alliance from De Gaulle's famous memorandum of September 21, 1958, suggesting that the direction of NATO be entrusted to France, England, and the United States down to his letter of March 10–11, 1966, to President Johnson giving his decision to withdraw from NATO and put an end to all integrative arrangements. The conditions stipulated in the memorandum were so preposterous that it is very doubtful that De Gaulle expected them to be accepted. Was he then paving the way to withdrawal? The question is not clearly answered. With France out of NATO, but still under the atomic umbrella provided by the United States, what was French policy? The author discusses France's efforts to develop a credible independent nuclear posture, to undermine the Soviet-American "condominium" and, of course, to weaken the position of the two superpowers—especially in Europe. Czechoslovakia put an end to such illusions. The author states, in a sentence that is difficult to decipher, that the Soviet action in Czechoslovakia not only underlined the French dependence on the American security guarantee but "it diluted the political unity (not to mention the domestic financial claims) of an independent force de frappe" (p. 139). This was hardly the case. What the Soviet action did, as the author then correctly points out, was to put an end to

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the Gaullist *Ostpolitik* and to the Gaullist efforts to shake Europe loose from the hold of the superpowers. In fact it made the presence of United States forces more imperative than ever. Kolodziej also discusses French financial and monetary policies which he correctly views as a part of French diplomacy—mainly to attain independence and possibly to undermine United States domination. This, too, like the *Ostpolitik* received a crushing blow with the events of May–June 1968.

We are then given an account and analysis of France's European policy. It is often done with so much detail, so much emphasis on background material, and so many digressions that again the reader and often the author too lose sight of the major points. Kolodziej is, of course, fundamentally right in seeing in De Gaulle's European policy a means for attaining French independence, strength, and possibly a position of leadership in Europe. He points out the reasons for De Gaulle's acceptance of the Common Market, he describes in detail the so-called Fouchet plan, the Franco-German flirtation and treaty, and the subsequent quarrels among the six members of the Common Market. He also explains convincingly the reasons for the Gaullist "no" to England's entry into the Common Market, but there is little that we do not already know. Again a critical assessment is missing. In what condition did De Gaulle leave Europe? Would a different course have produced greater unity?

In each case and for every chapter—including an excellent overview of French policy in the Third World and the Middle East as well as the Mediterranean—the author also describes foreign policy in the Pompidou years and points to the similarities and the differences with the Gaullist period. Invariably he does it extremely well though this reader would have liked a more critical assessment of the changes, if any, implicit in Pompidou's acceptance of England into the Common Market.

One has to compliment Kolodziej for a painstaking job. Little is missing, but much could have been omitted. There are few sources that the author has not consulted, but he often loses the argument and the thread of his analysis for the sources. There is no foreign policy action that is not put in the proper background, but often at the cost of moving the discourse sideways and backward rather than illuminating it. With careful editing and an effort to narrow the analysis and dwell upon the significant issues and pursue them in depth he would have written an excellent book. He still has done a great service in producing the most up-to-date, comprehensive, and well-documented study of French foreign policy under the Fifth Republic.

ROY C. MACRIDIS
Brandeis University

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Small Powers in Alignment *by O. De Raeymaeker, W. Andries, L. Grollen, H. De Fraye, and F. Govaerts. Leuven/Louvain (Belgium), Leuven University Press, 1974.—424 pp. 620 B.fr.*

Far more useful than those works dealing in general with "small states," this study by five scholars at the Catholic University of Leuven (Louvain) has compared the alliance experience of nine small members of NATO. Each was looked at in a European context from the beginning of World War II to 1973, as its behavior related to two principal questions: (1) reasons for joining NATO and later remaining in it, and (2) role within the alliance, including relations with the larger powers. Four authors concentrated individually on specific states or groups of states: Portugal, Greece and Turkey, the three Scandinavian member-states, and the Benelux countries. In each case the authors discussed (1) security considerations as related to the particular state's geographical situation, (2) the anticipated contribution NATO membership would make to its individual prestige in the international community, (3) the relation of the alliance to that state's domestic stability, (4) the economic aid and military assistance it might derive from membership, and (5) the ideological motivation of the government leaders. Professor De Raeymaeker set the stage for these individual contributions by his incisive introduction and summed them up in the concluding chapter, where he compared the findings for each set of countries.

Despite a common format the sections dealing with particular countries stressed different aspects. For example, the chapters on Portugal discussed that country's colonial policy; those on Greece and Turkey dealt with the Cyprus dispute; the Scandinavian section examined the "Nordic Balance" and its strategic implications; and the Benelux chapters considered consultation within NATO and the tensions between European and Atlantic communities. Not surprisingly, the Belgian authors who wrote about the northern and Benelux countries displayed greater sophistication and understanding of the roles these states have played in NATO than appears to have been the case with those who had to deal with the more alien countries—Portugal, Greece, and Turkey. Cultural differences, language problems, and ideological perspectives seemed to this reviewer to produce some questionable interpretations in the chapters on these three countries. In the section on Portugal, for example, we read that the Azores leasing arrangements provided the Portuguese with "an excellent means of pressuring the American government for more U.S. aid in support of their African wars" (p. 63). The contributor on Greece and Turkey, in discussing the Greek colonels' coup, stated that "the entire operation, *based on a NATO contingency plan*, was a complete success (p. 162; italics mine). The same author wrote that following the 1957 NATO acceptance of American proposals for middle-range nuclear weapons, Turkey expressed an interest in tactical nuclear weapons, which "the U.S. immediately supplied," and which "would be launched by Turkish servicemen in case of war" (p. 139 and foot-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

note 55). Misplaced confidence in particular secondary sources may explain some of the inaccuracies, which can also occur when, as in this book, translations are at least twice removed from the original version of the event.

That Greece and Turkey would present problems for the alliance seems to have been anticipated by the Scandinavian members, who were the most opposed to their being admitted. Greek-Turkish hostility presents a contrast to the cooperative behavior among neighbors in the northern and Benelux regions. Furthermore, as the Soviets built up their naval power on the flanks of the alliance the northern countries came more and more to value the protection NATO offered; the eastern Mediterranean members, by contrast, seemed more interested in pursuing their quarrels with each other than on being concerned with the alliance members' collective security.

The important roles played by officials from some smaller countries once again reveal that the influence of small states can sometimes be greater than expected, when they are led by outstanding statesmen such as Messrs. Spaak, Luns, and Harmel, to name three. Among all the small members, the Benelux countries appear to have exerted the most influence on NATO affairs, but their readiness to bear their alliance responsibilities and to accept guidance from the United States has diminished, the authors report, because of the decline in American moral leadership due to the Vietnam war.

This study reminds us that the small ally uses NATO for its own purposes just as do the great power members. It underlines in detail the importance of domestic politics in determining the small state's role in the alliance. It also reveals that whatever the decreasing concern for collective security, none so far has been willing to give up membership, since there are always some advantages to being on the inside—or at least not quite outside.

ANNETTE BAKER FOX
Barnard College, Columbia University

The Russian Dilemma: A Political and Geopolitical View *by Robert G. Wesson. New Brunswick, N. J., Rutgers University Press, 1974.—x, 228 pp. $12.50.*

Robert Wesson presents a lucid and forceful exposition of Russia's political development as a response to a unique geographical (continental) setting. He characterizes Russia and its successor, the USSR, as neither Western European state nor traditional empire, but an admixture, subject to strain when the myth of one condition confronts the reality of the other. The volume summarizes Russian development historically from emergence of the Muscovite duchy to consolidation as tsarist empire to Lenin's attempt to reconcile imperialism and nationalism, to search for detente and prospects for finding a place in the emerging world order.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

A recurring theme is that the Soviet Union, as tsarist successor, remains an empire of nationalities, organized in the context of eastward-expansion lures that a unique geographical transition zone between Europe and Asia offered the Russians. This eastward expansion is interpreted as offensive, while territorial acquisitions in the west came in reaction to attack. The author dwells on autocracy as a mechanism for keeping nationalities in line and preserving the empire. Introduced to the tsars by the Tatars, autocracy carried over to the Soviet system, which is managed by a noncreative bureaucracy, and characterized by high centralization, undifferentiation, and anti-individualism. Lenin chose autocracy, which Stalin later perfected, rejecting genuine federalism as a middle-ground option between autocracy (empire preservation) and nationalities freedom (empire disintegration).

While Russianization was ambivalently pursued by Lenin, Stalin used the centralized all-Russian (subsequently Soviet) Communist party to control the minorities and to retreat from Marxist universalism, especially with abandonment of the Comintern. This meant subordination of Soviet nationalities, rather than their becoming equal components in a new world order. Wesson notes that Russia's concern with empire is greater than ever (p. 105). Non-Russians make up 50 percent of the USSR's population, or close to what it was (56 percent) when Lenin took power, a figure far greater than the low of 35 percent in 1939 when, Wesson feels, the Russians had a good opportunity to reject empire for national state myth.

The author sees Russian maintenance of a non-Western empire as the contradiction between Westernization's modernization, liberalism, and nationalism, and Asianism's authoritarianism. While the Soviet system occasionally turns to the West for technology, capital, and ideas, the liberalizing forces unleashed by such contact are subordinate to the autocratic nature of the world's sole remaining imperialistic power. Wesson believes that the USSR cannot realize Khrushchev's goal of a world socialist take-over by peaceful means, because of inability to compete with the West economically, and loss of universalist idealism. He correctly notes that the USSR's increasingly depends on military power and political pressure for influence in adjoining areas, thus behaving more like other national states than a universalist empire. He concludes that the present multinuclear power world of competing state systems undermines Russia's pretensions to universalism (pp. 187–189). This may force her to shed this myth and accept pluralism internally as well as externally (does the former necessarily follow from the latter?), thus casting off historical constraints imposed by geographical situation (p. 198).

The author may be faulted for drawing some conclusions from debatable assumptions. He optimistically assumes unified Western Europe's ability to withstand Soviet pressure. This ignores the prospects of Western European disintegration, with economic disaster followed by political upheavals. Rising prospects for Communist take-overs in Greece, Italy, France, Portugal, and Spain

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

could reinvigorate Russia's universalist myth. Also, Wesson may be premature in assuming that the USSR has lost its economic competition with the West for influence within the Third World. Soviet oil self-sufficiency and potential for gaining ascendancy in the Arab oil world, could give Russia the upper hand economically in the impoverished part of the Third World.

Disappointingly, relatedness between geography and political development is treated too sketchily, resting on two sweeping environmentally deterministic generalizations: (1) location driving the Russians to continental empire, and (2) political harshness (autocracy) increasing with climatic continentality, moving from the North Sea to Asia. A thorough geopolitical analysis could deal with a much broader complex of physical and human spatial variables (distribution, mass, density gradients, movement, and diffusion), and with landscape cognition and perception, in linking Soviet politics to geography. That only one substantive work by a geographer is cited in the bibliographic notes, reflects the absence of a political geographical methodological viewpoint.

These criticisms notwithstanding, Wesson has written a provocative volume that provides valuable insights into Russia's political development, and can help us better assess whether current happenings in Russia are leading to basic or superficial change in political development.

SAUL B. COHEN
Clark University

Latin America: The Struggle with Dependency and Beyond *edited by Ronald H. Chilcote and Joel C. Edelstein. New York, Halstead Press, 1974.—xii, 781 pp. Cloth, $24.75; paper, $9.50.*

The concept of dependency was introduced by Latin American social scientists in the late 1960s to explain why Latin America had failed to achieve a high level of economic development. Strongly influenced by Marxism, and especially the Leninist analysis of imperialism, dependency theorists "view foreign penetration as the cause of underdevelopment in Latin America and imply that underdeveloped countries can develop only if both their internal structures and their relations with other nations undergo a complete change" (p. 2). Although the concept of dependency and the processes it describes are now gaining considerable acceptance, even among the more traditional sectors of United States social science, only recently has a book appeared in English which gives a full introduction to the dependency framework and uses it to explain the historical development of the major Latin American countries. These are the two main contributions of Chilcote and Edelstein's *Latin America: The Struggle with Dependency and Beyond.*

The book is written by a group which includes three Latin Americans and

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

seven North Americans connected with the Union of Radical Latin Americanists (URLA) and the new journal *Latin American Perspectives*. The book can be divided into two parts—a lengthy introduction by the editors and six case studies including Argentina by Juan Corradi, Brazil by Theotonio dos Santos, Chile by Marcelo Cavarozzi and James Petras, Cuba by Donald Bray and Timothy Harding, Guatemala by Susanne Jonas [Bodenheimer], and Mexico by James Cockcroft.

The introduction begins by contrasting the dependency model with what the authors call the "diffusion model" of development. The latter is the residual of everything not included in the dependency model and is characterized as analysis which "suggests that the development of areas like Latin America will come about through outside influence and assistance" (p. 2). The comparison of the two models focuses on three issues: feudalism and dual society, the national bourgeoisie, and the ruling class. It also examines three studies (González-Casanova, Imaz, and Quijano) which use one or the other model, and it assesses some of the problems facing countries trying to escape from dependency. This chapter is certainly one of the best available introductions in English to the subject of dependency although, since the authors chose to use a comparative framework, they should have done a more thorough job on the diffusion model. The latter is definitely slighted with respect to the discussion of the dependency model.

The six case studies all follow an essentially historical format, beginning with the conquest of Latin America. They then trace the development of the countries up to the present, with special emphasis on the direct role of the foreign sector and its effects on the internal class structure. Unfortunately, the book was delayed even longer than usual in the publication process so that there is little analysis of events in the 1970s. Also a choice of countries which includes Guatemala but excludes Peru and Venezuela is debatable. The studies which are included, however, are uniformly good, especially in their attempts to relate the internal and external aspects of dependency.

The book has a wide perspective audience. On the one hand, it is a must for any class on Latin America since it provides an alternative to the conventional collections of country studies. On the other hand, it should also be recommended reading for anyone interested in development problems in Latin America or elsewhere in the Third World. The book has something to offer both those who consider themselves "Latin Americanists" and those who have no special background in the area.

BARBARA STALLINGS
Stanford University

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Protest and Response in Mexico *by Evelyn P. Stevens. Cambridge, Mass. The MIT Press, 1974.—viii, 372 pp. $17.95.*

The brutality of the attack on peacefully demonstrating students by the combined forces of the Mexican military and police on October 2, 1968, shocked many who thought they knew Mexico well. Yet, as Evelyn Stevens competently demonstrates in *Protest and Response in Mexico*, the government's decision to deal repressively with the protesters was not at all atypical. Stevens illustrates the patterns of response to organized protest in Mexico with three chapters devoted to three case studies: the railroad strike of 1958–1959, the doctors' strike of 1964–1965, and the student strike of 1968. The cases are preceded by an introduction and two chapters on the structures of communication, information and mobilization, and impact of protest movements, and an overview of Mexico in the 1970s.

In all three case studies the author shows how moderate demands for improved conditions, which were accompanied by militant but legal strike action, were consistently met by hostility from government officials. Even when the reforms demanded were widely acknowledged to be long overdue, the protest movements themselves were treated as unpatriotic and even subversive acts, and were put down. While it is clear that Stevens sympathizes with the strikers, events are convincingly narrated in a detailed and reasoned manner. Taken together, these three stories of frustrated and repressed efforts to influence policy provide an important insight into the working of Mexican democracy, which Stevens characterizes as one of "limited pluralism."

The book's weakness lies in the absence of a framework adequate to explain the mechanisms of this limited pluralism. The author feels that patterns of communications, information and mobilization, discussed in her opening chapters, illuminate the workings of the political system. Yet while interesting in and of themselves, these materials bear little relationship to what follows, except that the communication system—as do the protest movements themselves—offers additional evidence that Mexico is more hierarchical and authoritarian than pluralist and popular.

A further difficulty is that a description of the socioeconomic factors which both give rise to the protest movements and usually define their limits is inexplicably left to the end of the book. In the last chapters the author attempts to relate the fundamental (regressive) tendencies in the Mexican political economy both to the specific protest movements discussed and to protest in general. The presentation, however, is disorganized. Many important points are inadequately developed, and some conclusions remain vague. While Stevens correctly emphasizes the ineffectiveness of organized protests, it is not clear whether she attributes this fact to (1) the government's unwillingness to enter into debate with the protesters because the *groups themselves* represent rival centers of power, or (2) the government's unwillingness and inability to respond favor-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ably to the *demands* presented, because to do so would require a reorientation of long-term economic priorities.

The author notes that protest has not been frequent in Mexican politics. Again the reasons are not clear. Is it due to the repression itself, or to the general political culture of Mexico? "Most Mexicans have little or no opportunity to learn the skills of pluralistic participation . . . This is not the kind of activity fostered by the government" (p. 76). Or perhaps the frequency of protest is affected by national or indigenous character? "Members of Indian communities have not participated in national political affairs which are controlled by mestizos partly because such participation is alien to Indian culture" (p. 275). (One wonders who then fought so many years in the Mexican Revolution?) Another suggestion is that communication between the articulate intellectual sectors and the masses is inadequate and thus leadership is lacking. What weight would the author give to these several factors, and why?

Finally it is appropriate to question the choice of the three cases—if, in fact, they are meant to illustrate the general patterns of protest and response in Mexico. Two (the doctors' strike and student strike) are actions of middle-class groups. The railroad strike, the only example of a working-class movement, receives the least attention. Little or nothing of the long history of rural revolts appears either in the case studies or in the general analysis which follows.

One last comment—which in no way reflects on the author herself: in general, this is a most unattractive example of printing. For a book of this substantial price, one has the right to expect a product that is both more aesthetic and easier to read.

PATRICIA WEISS FAGEN
San José State University

Guatemala *edited by Susanne Jonas and David Tobias. Berkeley, North American Congress on Latin America (NACLA), 1974.—264 pp. $5.00.*

This is an important book, essential reading for students of Latin American politics, United States foreign policy, and multinational corporations. Its essays present a neo-Marxist interpretation of recent Guatemalan history and politics with implications that transcend those narrow frontiers. Guatemala becomes a prism through which the different rays of United States influence and strategy in Latin America since World War II are refracted, analyzed, and then rejoined in all their complexity and unity of purpose.

Underlying this book is the belief that politics is about power and that its Latin American essence is conflict, not consensus. It portrays Guatemala as a battleground between revolution and counterrevolution, a nationalistic

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

socialism and a capitalistic imperialism. Within this context, the book also analyzes interest group politics in the United States and their impact upon public policy.

The volume is organized around two interrelated focuses: the strategies and activities of the United States and its allies within the Guatemalan elite, on the one hand, and those of Guatemalan reformers and revolutionaries on the other. The core of the book consists of a lucid account and analysis of the "revolutionary" decade of 1944–1954 and the "counterrevolutionary" decades that followed. It includes illuminating case studies of the theory and practice of United States aid, multinational corporation investments, and regional common markets. An initial section outlines Guatemala's "legacy of underdevelopment" (p. 13), while a concluding essay traces the "Vietnamization of Guatemala" (p. 193) during the past decade, complete with United States "advisors," Green Berets, and CIA agents.

The authors present (for the first time in English) a comprehensive view of the "Guatemalan Revolution" from "the other side," synthesizing Guatemalan accounts with their own cogent analyses. They conclude that the Arbenz "revolution"—which was ended by our covert intervention in 1954—was really a middle-class reform movement, whose reforms were less radical than those the United States would itself endorse in the Alliance for Progress of 1961.

The most original contribution of this volume, however, is its analysis of Guatemalan politics and economics since 1954. The authors argue persuasively that Guatemala has been converted into a "showcase for counterrevolution" (p. 74), in which terror, rhetorical reform, and militarization have been successive strategies for an elusive political stability. As a consequence, Guatemala has been transformed into a "laboratory" for both Right and Left, in an unending civil war that has turned reformers into revolutionaries and vitiated development efforts. It is a stark thesis, but one that reflects an equally stark Guatemalan reality.

To support these controversial conclusions, the authors draw upon diverse Guatemalan and North American sources, including government reports and documents, economic analyses (conveniently summarized in tables), interviews, and newspapers. Occasionally, their assertions seem speculative, but in general they are solidly documented and persuasively argued. Recent revelations of CIA and multinational corporation activities elsewhere in the hemisphere lend new credence to their searing critique of United States policy and practice in Guatemala over the past three decades.

The book has its weaknesses. There is some repetition and unevenness of style. More important is the authors' failure to study the corporate expressions of the Guatemalan military, Church, and civilian interests with the same care they devote to their revealing analysis of United States agencies and multinationals and their links to Guatemalan economic groups. In general, the book is

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

at its best when peeling away the façade of a banana republic, taking its stance at the critical juncture of economics and politics; it is weaker in social and institutional analysis.

The limitations of this volume, however, are less important than its substantial achievements. Readers may not agree with all of its arguments, but they deserve a wide audience and our careful consideration.

PETER WINN
Princeton University

Ben-Gurion: State-Builder *by Avraham Avi-hai. New York, John Wiley & Sons, Inc., 1974.—xi, 354 pp. $12.50.*

When analyzing national or international politics, too often we forget that it is individuals who make decisions and implement policies. Avraham Avi-hai's study of David Ben-Gurion as state-builder of Israel is a reminder of how essential the human element can be.

Avi-hai examines the principles Ben-Gurion espoused throughout his career and the pragmatism with which those principles were applied or altered in the face of reality. The author argues that Ben-Gurion's effectiveness as a leader, his ability to maintain his role and advance his ultimate goals, stemmed from the achievement of practical solutions to major problems of state-building in accordance with the aims and principles he held. Avi-hai contends that after independence, a state-builder will maximize the power of state institutions which, in Israeli terms, meant enhancing state growth, "increasing its population, strengthening its defense structures, and maintaining its political system and autonomy," while minimizing rival frameworks (p. 7). He demonstrates Ben-Gurion's state-building role in four domestic issues involving the labor movement and financial capital; the role of the religious establishment and the educational system of the state; the defense establishment and the Arab minority; and, externally, his role in relation to the Arab-Israeli dispute, arms procurement policies, and the primacy of Israel in world affairs over the Zionist establishment.

One of the most provocative sections in the book deals with Ben-Gurion's withdrawal from power and the sad and acrimonious scenes that led to his final resignation. Ben-Gurion had concentrated his energies throughout his career on strengthening Israel's defense establishment and, as a result, he failed to maintain control over the party system which had brought him to power. According to the author, political systems by their very nature impose limitations on the power of a leader. Conflict was thus inevitable between routinized institutions, i.e., *Mapai* (Israel Workers' Party) and Ben-Gurion's waning charisma.

If, as Avi-hai argues, Ben-Gurion's knowledge of an apprenticeship in the

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

party system was the basis for his rise to power in prestatehood days (p. 281), why was he unaware that he was losing control over the party? The author suggests that Ben-Gurion was reverting to his role as "rabbi," educator and spiritual guide embodying the national conscience (p. 280). In this interesting analogy to East European Jewish life, one can see Ben-Gurion's resignation as consistent with his principles. He always held that defense considerations were primary. Thus he objected to and feared the politicization of the defense establishment, which was reflected partly in the Lavon affair and subsequent opposition to Ben-Gurion's premiership.

While the author has unquestionably contributed to our knowledge of a complex man as well as to our understanding of Israeli politics in its formative years, one might wish he had given us more information about Ben-Gurion's methods and the behind-the-scenes conduct of politics. For example, we do get a clear picture of the religious issue, what Ben-Gurion said, and the final outcome. But the reader is left to wonder how these issues were handled in practical political terms and what tactics were used. When Avi-hai does delve into this sort of analysis, as on page 124, the reader is treated to fascinating insights into the Israeli political process. Ben-Gurion used the vote of confidence, national elections (as an appeal over the heads of the politicians to the people), and subsequent bargaining over the formation of a new government coalition to obtain his goals.

This reviewer's research into Israeli's special relationship with France has led her, in several instances, to factual evidence or interpretations which differ from the author's, for example concerning the story of the *Altalona*, the importance of the Gaza raid, the planning of the Sinai campaign and its relationship to international events, Israel's withdrawl from Gaza, the timing of openings in France and the period encompassed by close ties, Ben-Gurion's role in the Qibya foray, and on the subject of German arms shipments to Israel. There are also several minor spelling and printer's errors which eluded the proofreader, and instances where editorial policy makes the author's sources unclear. However, this is not to fault an otherwise excellent book of considerable interest and value.

Sylvia Kowitt Crosbie
Plymouth State College

The Middle East in World Politics: A Study in Contemporary International Relations *by Tareq Y. Ismael. Syracuse, N. Y., Syracuse University Press, 1974.*—xii, *297 pp. $12.00.*

This collection of essays by five specialists in Middle Eastern affairs rests on a number of familiar assumptions. Primary among these are, first, that the region is of overriding significance in international politics—its enormous petro-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

leum deposits in an energy-hungry age and the continuing tensions, which potentially could involve the superpowers in a direct confrontation, are only the most obvious reasons for this conclusion. Second, in spite of this importance and the interest which the problems of the Middle East have evoked in the outside world much of what has been happening in the area is not well understood in the West, particularly in North America. In an attempt to provide impartial and balanced views of the political complexities of the present-day Middle East, Professor Tareq Y. Ismael of the University of Calgary has enlisted the support of Naseer H. Aruri, P. Edward Haley, Natalie K. Hevener, and Harry N. Howard. The various chapters are devoted to the general historical setting; the policies of the great powers (Great Britain, France, the Soviet Union, the United States, the Chinese People's Republic); the interaction between the Middle East and Africa; United Nations efforts at mediation and supervision of various regional crises; the domestic sources of foreign policy; and oil. The book concludes with a theoretical chapter on the region's role as a subordinate system in global politics.

Although, according to Ismael, who has written six of the book's eleven chapters, the volume "has been prepared for all thoughtful students of international affairs and Middle East studies who seek an objective analysis of the . . . [region's] role in world affairs" (p. vii), it is unlikely that specialists—either in the government or the academic world—will find in it much that is new or original. A notable exception is Ismael's concluding chapter which provides a thought-provoking application of international relations theory to the study of the contemporary Middle East.

One of the book's major shortcomings is the occasionally hurried efforts to update the various chapters without extensive revisions, which has led to some inevitable inconsistencies. For example, in the discussion of Chinese policy, it is stated on the authority of the *Frankfurter Allgemeine Zeitung* of September 21, 1970, that Peking *is* bent on involving "the United States in volatile complications" in the Middle East by fostering "a generally revolutionary atmosphere" (p. 156), as exemplified by the support of the Dhofari rebels (p. 151). In the concluding section of the same chapter, which appears to have been written in 1973, however, the author notes correctly that "the late sixties and early seventies have witnessed the abatement of Chinese support of the movement for the liberation of the Arab Gulf" and elsewhere (p. 160). More thorough editing would have eliminated such lapses along with numerous spelling errors.

Nevertheless, Ismael has performed a valuable service to the academic community by providing it with a well thought-out and organized study which, given the lack of textbooks for undergraduate courses on the international affairs of the Middle East, represents a welcome addition to the literature on the subject.

O. M. Smolansky
Lehigh University

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The Executive in African Governments *by Bereket H. Selassie. London, Heinemann, 1974.—xii, 280 pp. Cloth, £4.50; paper £1.90.*

We are all sensitive to authenticity nowadays and books by authors who in some sense or other belong to what they are writing about gain our sympathetic attention. That Bereket H. Selassie is an African writing about African governments will commend his book to readers in Africa and wherever Africa is studied.

His book falls into three rather different and uneven parts. It begins with a survey of the constitutional framework of African governments as they were in the early 1960s. The style is very much that of the constitutional lawyer, as indeed the reader expects from the prefatory thanks to Professor Allot of the School of Oriental and African Studies and to the library staff of the Institute of Advanced Legal Studies in London. The author has studied in France and Switzerland too, and there is a nice balance between his attention to the Anglophone and Francophone countries of Africa. Following the Belgian scholar, Jean Buchmann, he uses the term "neo-presidential" to describe the main constitutional pattern he found emerging. In this pattern, there is a head of state who is also head of government and, in most cases, of the dominant political party. This "president" exercises extensive legislative and some judicial powers, although the classic division of judicial, legislative, and executive branches of government is formally preserved. The dominant position of the chief executive, de jure and de facto, gives the book its title; it is a book about African governments in general, not solely about their executive branches.

A careful description of constitutional arrangements displays how "neo-presidentialism" appeared in Tunisia, Ivory Coast, Mali, the United Arab Republic, Kenya, Tanzania, and elsewhere—indeed all the way to Madagascar. This writing is based on primary sources, and the reader gains a fair amount of curious information (such as the provision in the Tunisian constitution that made the mufti and the public prosecutor part of the committee to receive nominations for the presidency, or that in Mali the president was elected by the National Assembly after his designation by the president of that body). American readers with freshened appetites for constitutional analysis after Watergate and the application of the Twenty-Fifth Amendment, can perceive a rich and attractive field of comparative constitutional enquiry amid the abundance of cases that Africa presents.

But study of the workings of constitutions requires that they be examined in the full play of political forces. Part II of the book is entitled "The Dynamics of Neo-Presidential Power," and it treats successively (1) the precolonial and colonial sources of style, (2) the single party in relation to "neo-presidentialism," and (3) the role of the civil service. The analysis has some points of interest, but it is dated and mostly dependent on a narrow array of secondary sources.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Up to this point the book has a persuasive coherence. It presents a case for an emerging "neo-presidential" system that was succeeding the parliamentary systems from which most of the African governments began, and the author argues that this system was what African nations needed at a "crucial transitional period of their history" (p. 12). But in the middle of the 1960s, bunched in 1965 and 1966 when Dr. Bereket was evidently doing most of the work on this book, there came military coups in Algeria, Ghana, Nigeria, Zaire, Togo, Dahomey, the Central African Republic, Upper Volta, and Burundi. If occasional earlier examples like the first coups in Sudan and Togo might be treated as exceptional, the new wave hardly could. The author had to deal with a conceptual crisis which he manfully undertakes in Part III by treating military intervention as the "crisis of neo-presidentialism." He gives rather brief secondary accounts of what happened in the main cases until about 1967, and ends with plaintive warnings about the need for unity and participation through a revivified single party or perhaps through other means.

Throughout the book, one finds the sympathetic concern for African problems one would expect from an African, and the concern for legitimate government under law one would expect from a constitutional lawyer. Perhaps because monarchies are treated only briefly, there is little that draws on Dr. Bereket's personal experience as judge, mayor, vice-minister, and university law teacher in Ethiopia. His book could serve teachers and students of government in African universities, and this may be a reason Dr. Mutiso of Nairobi has brought it up-to-date at a number of points. But the damage to its interest by the gap between the dates of writing and publication will be felt elsewhere. The damage to Dr. Bereket's constitutional analysis from the hands of the military is alas! not less than he has personally suffered—he is now in hiding somewhere in Ethiopia.

FRANCIS X. SUTTON
The Ford Foundation

China's Policy in Africa 1958–1971 *by Alaba Ogunsanwo. New York, Cambridge University Press, 1974.—310 pp. $19.50.*

Alaba Ogunsanwo's study of *China's Policy in Africa* is at one and the same time an awful book and yet far and away the most useful and informative source on his topic. His weakness—as indicated by fantastic errors on Chinese names—is monumental ignorance of China and Chinese foreign policy. His great strength which gives the book its superior quality in his immersion in and commitment to a deeply knowledgeable African perspective.

Because of his lack of knowledge of Chinese particulars, Ogunsanwo's explanations jump from one extreme to another. In a matter of pages the Chinese are unrealistic and then suddenly they have incisive analyses with no illusions.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Similarly their real motives leap from competition with America and Russia to normal, pragmatic economic self-interest.

Ogunsanwo's ignorance of China is too often met by imputing the ridiculous to Chinese action. By some mystical process he knows that China "envied" the Western extraction of minerals and strategic products from Africa "and felt that she could do nothing better than replace them" (pp. 86–87), that China rejected fighting America in Vietnam with Soviet aid because "this could mean a loss of face . . ." (p. 181). Instead of utilizing relevant solid works on Chinese foreign policy by Gregory Clark, Arthur Lall, Ishwer Ojha, and Peter Van Ness—none of whom are even mentioned in Ogunsanwo's lengthy bibliography —which depict Chinese leaders as modern nationalists committed to having China treated as an international equal, to ending a century of cruel foreign indignities and humiliations to Chinese, Ogunsanwo treats these contemporary international Chinese thinkers as peculiar Orientals, such that diplomatic communiques made jointly with African heads of state are said to have "revived unconscious memories of the tribute bearing foreigners who came in the past to pay homage to Chinese emperors" (p. 78).

Ogunsanwo adds to his notion of the strange Oriental a most extreme suspicion of everything Communist or Marxist, while never even pursuing how much or how little these categories explain Chinese policy. Thus he describes a Peking "regime" with its "opportunism" hiding behind a "façade of altruism" to obscure its real Marxism, the better to manipulate African nationalism. This distaste for his topic of study all too often eventuates in invective, snide asides, and elliptical accusations substituting for tough-minded analysis.

Such hostility precludes balanced judgment on important issues. At first Ogunsanwo condemns China for introducing the Sino-Soviet dispute into Africa. Subsequently, however, he not only shows how Africa benefited economically and otherwise from that competition but adds great detail disproving the Russian argument that a reduction of cold war tensions would reduce arms expenditures and therefore make more aid available to African countries. Instead of hissing or cheering, we need hard-headed analyses of the actual problems and outcomes of real international conflicts which will not be wished away.

Ogunsanwo's difficulties are inherent in much of international relations work. How to fairly comprehend both parties to disputes when the scholar usually knows better and identifies with only one of the culturally, lingually and historically distinct parties? At least Ogunsanwo could have tried to confront this dilemma by consulting books on China and Africa of people schooled in the Chinese reality, scholars such as Bruce Larkin and George Yu. Their works go unmentioned.

The true strength of *China's Policy in Africa*—and it really is a magnificently useful book—stems from Ogunsanwo's appreciation for Africans of the consequences of Chinese policy. Identifying with an African concern for indepen-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

dence from European colonial domination, he has little but praise for Chinese aid to Africa's liberation struggles. In fact there is more good data on Chinese aid to such armed African nationalist efforts than in any other source with which I am familiar. The result is a better understanding of why China had so many African friends at the United Nations at the time of voting on seating the Peking government and after. Africans simply never believed the old propaganda which most Americans are forgetting too swiftly, the depiction of Chinese aid to fighters for national independence as virtually equivalent to seeking to spark a world nuclear war.

Ogunsanwo almost overwhelms the reader with case after case where Chinese economic assistance helped African countries enhance their independence even when such independence injured narrow Chinese interests. Typically, China helped Morocco grow tea to cut foreign exchange losses even though Morocco previously imported that tea from China. Guinea was given rice to break a Western embargo even when that food was sorely needed in China. The Chinese appear as having argued for a long time for policies which only recently have received self-interested acceptance in Africa, policies of economic cooperation, challenging foreign cartels, developing food resources, controlling one's own economic lifelines. Most interestingly, Ogunsanwo shows the Chinese trying to cooperate with anti-imperialist African governments to develop policies to prevent military coups by Western-dependent African armies.

Ogunsanwo ends with strong praise for "disinterested" Chinese aid (which wholly misses the point of a need to explore the link between African and Chinese interests) that it is difficult to square with his earlier descriptions of Chinese motives. While *China's Policy in Africa* has persuaded this reader that China, with meager resources, has made a major contribution to African independence, one still can seek more analytic efforts. What happens if one compares China's ties to areas which are from the franc bloc or sterling, with independence won through struggle or otherwise, large exporters or small, monocrop economies and diversified, large foreign investments and little, strong militaries and weak, etc.? Scholarship has a long way to go.

EDWARD FRIEDMAN
University of Wisconsin-Madison

General Elections in South Africa, 1943–1970 *by Kenneth A. Heard. London, Oxford University Press, 1974.—xx, 269 pp. $18.25.*

South Africa: Economic Growth and Political Change *edited by Adrian Leftwich. New York, St. Martin's Press, 1974.—viii, 360 pp. $12.95.*

These two books can be seen as interesting examples of very different perspectives on South African politics and society. The one by Professor Heard places

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the South African political system in much the same analytical framework as that used by political scientists to study North American or Western European democracies. It considers South African party politics in the tradition of the voting studies emanating from the University of Michigan or Nuffield College, Oxford. While recognizing the peculiarities of the South African polity, what Pierre van den Berghe has aptly termed an "herrenvolk democracy," Heard does not make them his central focus: his study is confined to "*formal* political structures" (p. xi) and concentrates on the "*direct* political context" (p. 236). The same justification applies to Heard's volume as to Professor Henry Lever's recent book on the elections of 1966 and 1970: the overwhelming concentration of "white power" in contemporary South Africa makes the dynamics of the political process in the exclusively "white" political system of more than passing interest. Unlike Lever, however, Heard is covering familiar ground. He devotes a chapter to each general election from Smuts's wartime victory to Vorster's elimination of the Herstigte Nationale party in 1970, and includes a separate analysis of the 1960 Republican referendum. The early success of the National party is related as much to the geographical concentration of the United party vote as to the "unloading" of rural constituencies; and it was only in 1961, after thirteen years of Nationalist rule, that the government captured the support of a majority of the white electorate. By the time of the 1970 election, however, such was the strength of Nationalist Afrikanerdom that the contest was largely an internal affair between *verligtes* and *verkramptes*: elections had become an index of Afrikaner solidarity. Heard's book will serve as a convenient source of election statistics for those interested in the formal structure of South African politics, although it is a pity that it was published too early to include the 1974 election results.

In contrast to Heard's volume, the book edited by Adrian Leftwich digs beneath the surface of South African political society to understand the dynamics of social change. It consists of a collection of essays exploring the specific connection between economic growth and political change in the South African context. The two "comparative" papers, out of a total of eleven contributions, seem out of place in a volume so heavily weighted on South African material. While the two papers on Chile and Malaysia and Sri Lanka are not irrelevant, the book would have had greater coherence had it been confined to South African essays. Since several papers refer repeatedly to earlier works by Rick Johnstone, Wolpe, Legassick, Adam, Horwitz, and Leo Kuper, there would be no shortage of suitable alternative material. One gets the impression that the editor never quite decided what type of book this should be: whether it should focus on the general theoretical issue of economics and political change, or whether it was really about political change in *South Africa*. The lack of a serious editorial introduction is an unfortunate omission and is surprising since Leftwich's own contribution demonstrates that he is well aware of the critical issues in this area.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Apart from these drawbacks the book is a generally successful enterprise and contains a number of excellent papers considering the nature of South African society. There are two reprints: Meyer Fortes' 1968 *Hoernlé Memorial Lecture* and John Rex's *Race* article entitled "The Plural Society: The South African Case." Both of these well-known essays consider the plural society literature in relation to South African conditions and criticize the economic determinism of the crude Marxist and the "liberal optimist." This sets the tone for the rest of the volume which is an extended critique of these two forms of politically divergent, yet analytically similar, determinism. What can be salvaged from the wreckage wrought by South African history on crude Marxist categories, or on the equally crude "stages of growth" proposed by neoevolutionary, Capitalist theorists? The only real exception to the basic unanimity, that South Africa defies all deterministic "economic laws," is O'Dowd's paper which appears as little more than a straw man for many subsequent critics. Since Herbert Blumer's seminal paper on "Industrialization and Race Relations," this antideterminist assumption might be taken for granted.

Two papers by Bromberger and Leftwich are particularly relevant to the main themes of the book. Bromberger provides a useful critique of the recent analyses of Johnstone, Wolpe, and Legassick, raising a number of relevant objections to their interpretations of the South African economy and society. Leftwich attempts to combine aspects of Marxist and pluralist theory in order to develop a better understanding of the political dynamics of South Africa, and his distinction between a corporate group and a corporate category is a useful one. The papers by Maud, Welsh, Barber, and Hill, as well as those by Jupp and Skidmore, constantly return to the same basic message: that economic determinism gives no adequate explanation for the development of South African society. To the editor's objection to "Stalinist orthodoxy" (p. 161) can be added Jupp's criticisms of the "myth of middle class Marxists" (p. 200); Skidmore and Maud's insistence on the frequent primacy of politics and culture over economics (pp. 236–237, 290); Welsh's assertion, in a characteristically lucid summary of the political economy of Afrikaner nationalism, that "white class parties are rendered superfluous by the dynamics of white supremacist politics" (p. 274); and Barber's reiteration of the truth that "there is no invisible economic hand inevitably forcing a particular pattern of social change" (p. 339). Taken as a whole, Leftwich's book is a valuable addition to the literature on South African political sociology and sufficiently different from the anthologies edited by Heribert Adam and Nic Rhoodie to justify its publication.

JOHN STONE
St. Antony's College, Oxford

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Transition in Africa: From Direct Rule to Independence *by Sir James Robertson. New York, Barnes & Noble Books, 1974.—xiv, 272 pp. $15.00.*

Sir James Robertson's memoir is another in the series of volumes appearing in recent years by retired senior British colonial civil servants dealing with their careers in Africa. Robertson had long and distinguished service, first in the Sudan and finally as the governor-general who presided as the queen's representative over the birth of independent Nigeria.

His career in the Sudan Political Service (at the time only slightly less prestigious than the better known Indian Service) began as a probationer in the provincial administration. He was fortunate to be assigned to Blue Nile Province, which was to become one of the Sudan's best-developed areas with the growth of the huge Gezira irrigation scheme.

Robertson's account of his early years as an administrator is centered chiefly on the routine duties of government—tax collection, suppression of crime, and the general maintenance of law and order. The work was a process of becoming familiar with the people and their customs and of maintaining the confidence of the indigenous tribal heads.

The story becomes more interesting with his rise in the service to the top of the ladder as civil secretary, a post which he held for eight years during the period leading to Sudanese independence. For the Sudan, the steps toward independence were complicated by the British-Egyptian Condominium of the country. The Egyptian government actively sought to bring the Sudan under its control while the British government took the position that the choice of independence or Egyptian suzerainty should be left to the Sudanese people and their leaders. The choice ultimately fell, with British encouragement, on independence but the pace was forced, the author makes clear, by events outside the Sudan in the immediate postwar years. The details of planning for the transfer of power to the hands of a legislature and a responsible executive are perhaps the most valuable parts of the book.

The author's discussion of the moves toward independence does not deal adequately with the vexed problem of the southern Sudan. His reflections on the tragic hostilities of the postindependence era tend toward somewhat superficial regret accompanied by an implication that, had the British regime not been pressed into premature independence, a better solution for integrating the country might have been found.

Robertson then turns to his years in Nigeria, where he succeeded Sir John MacPherson as governor-general. He appears to have grasped the intricacies of preindependence politics rapidly and well; like most other senior administrators, he favored the more conservative northern leadership and he makes evident his sympathy with northern reluctance to be involved in federation with the south.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

However, the main lines of British policy were clear before he came on the scene and he faithfully executed them by applying what pressure was left to the British administration toward the creation of a Nigeria that would be united at independence.

The volume is informative, not so much for the new light it sheds on colonial administration or on the formation of British policy, but rather as an account of how policy was carried out in the field. The author gives the impression of a curious sense of emotional detachment from the events he describes, almost as though he was an observer of a drama in which he himself was not personally involved. Many of the details, particularly of royal visits, are of no more than passing interest. His "reflections" at the end of the book are scarcely profound but they serve to emphasize his view that the demise of the Empire can be attributed in part to the ignorance on the part of Americans of the real objectives of the British colonial system. The book has special interest for the reader familiar with the colonies in which the author served, but for someone seeking greater insight into the motivation behind colonial independence movements, there is little here that is new.

L. Gray Cowan
State University of New York at Albany

The Politics of State Formation: The Nature and Effects of Colonialism in Uganda *by Tarsis B. Kabwegyere. Nairobi, East African Publishing Bureau, 1974.—xi, 276 pp. $5.35.*

On the basis of his analysis of Ugandan politics, Tarsis Kabwegyere contends that many of the contemporary problems facing low-income countries are the legacy of the preindependence era. The major purpose of this book is to show how colonial state formation produced structures of inequality culminating in cultural fragmentation, dependent and subordinate economies, and a lack of political control.

In a detailed study of colonial penetration, the author establishes a judicious balance between theory and data. Of particular interest is the evidence indicating that through marketing boards, reserve accounts in overseas banks, loans, and special gifts, Uganda supported—indeed subsidized—the British economy during and immediately after World War II. Despite technical flaws in production (several typographical errors and the lack of an index), the argumentation is cogent; the style, lucid; and the data, original. In drawing conclusions, the author uses his data skillfully and avoids the easy temptation of engaging in polemics.

One of the few shortcomings is a failure to identify schools of dependency theory. The literature on dependency includes diverse interpretations, and it is

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

unfortunate that Kabwegyere does not test or refine various propositions derived or inferred from the research of other scholars. Most of the work on dependency is Latin American inspired and one regrets that a Ugandan author does not distinguish a distinctive African perspective.

Given the preponderant role of the army in Ugandan politics, the brevity of the discussion about the military is likely to disappoint many readers. While Kabwegyere has the right to limit his analysis to the pre-Amin period, the role of the military prior to the 1971 coup deserves more attention.

A short, penultimate chapter deals with the years of political independence. Following an appropriate qualification that Uganda's problems are too numerous to be examined fully in one chapter, the discussion focuses on leadership and ideology. But this brief inquiry into the dynamics of political independence begs major questions. For example, Kabwegyere argues that "ideological mobilisation seems the only way out in the task of creating an awareness that the peoples of Uganda have to work together for collective survival" (p. 246). Yet as the Obote period demonstrates, ideology can also be an escape from praxis. A new base of socioeconomic formations is a sine qua non for establishing an ideology of modernization. Unfortunately, the author offers little insight into how low-income countries suffering from severe structural imbalances are to create these formations.

Many readers would agree with the theses about problems that are inherited from an earlier era and the continuity of the colonial presence. Nevertheless, Kabwegyere does not specify sufficiently the relationship between dependency in the preindependence and postindependence periods. While he presents a superb analysis of how colonialism laid the groundwork for legal though not effective decolonization, it is not enough merely to point to a "colonial ethos." Rather, what are the structural changes following political independence? Are there discontinuities as well as continuities? Should one also note new techniques for maintaining dominance? In comparison to the colonial pattern, can it be said that multinational corporations, imported technology for modern industries, and the export of light manufacturing products represent new departures?

On balance, the positive features of *The Politics of State Formation* far outweigh these few reservations. Kabwegyere's well-written book corrects many of the prevalent misimpressions about politics within low-income countries as well as between the strong and the weak, the rich and the poor, in the changing world political economy. As such, it is essential reading for Africanists and highly recommended to students of international relations and comparative politics.

JAMES H. MITTELMAN
Columbia University

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Mainsprings of Indian and Pakistani Foreign Policies *by S. M. Burke. Minneapolis, University of Minnesota Press, 1974.—vii, 308 pp. $13.50.*

After a lifetime of public service with both the British Indian government and Pakistan government, followed by almost two decades of scholarly research, S. M. Burke has published two important volumes centering on the foreign policy of South Asia. This book represents his most recent effort and it is perhaps the more outstanding of the two. In his initial publication, *Pakistan's Foreign Policy: An Historical Analysis* (New York, 1973), the author traces the evolution of Pakistan's foreign policy. In this presentation he examines the forces, values, and historic characteristics underlying not only Pakistan's foreign policy but that of India as well. Burke's long tenure in the Indian Civil Service (1931–1947) and his work in the Pakistan Foreign Office and later as minister, high commissioner, or ambassador to eleven different countries (1948–1961) have provided an exceptional platform from which to view the South Asian scene. And this practical experience has been combined with a dedication to study and writing that is rare among former Pakistani officials.

This book is divided into two segments. The first analyzes "The Heritage" or milieu from which Pakistan's and India's foreign policies are constructed Burke explains how the Muslim and Hindu cultures influence the course and substance of their countries' foreign policies. In the second part the author examines India-Pakistan rivalries, bitterness, and conflict against a background of global involvement and great-power maneuverings. The two parts comprise a basic unity as the reader becomes familiar with the threads that make up the fabric of subcontinental history.

Crucial to Burke's thesis is the insistence that Hindus and Muslims represent the most incompatible people ever to reside in the same territory. Compared with the Muslims, the Hindus are a narrow, territorily distinct, suspicious socio-religious entity. While the Muslims are more ideologically motivated by their universal faith and hence willingly consumed by Pan-Islamic sentiment, the Hindus internalize their relationships and generally aim at isolation of their civilization from the remainder of the world. Burke notes that the "Hindus have no strong ties with any peoples in other lands" while the "Muslims of the subcontinent of India have always considered themselves as a part of the universal brotherhood of Islam . . . " (p. 28). In this way the author attempts to explain the different styles and approaches to foreign policy by India and Pakistan; indeed, nonalignment or neutrality is a manifestation of Hindu India's psycho-cultural history just as Pakistan's international commitments are a reflection of the Muslims' world view. Burke, however, recognizes that the South Asian Muslims seem more ardent in their support of diverse Muslim causes than their coreligionists in other parts of the world. According to the author "Muslims in other lands were not as Islam-conscious as the Muslims of India" because "the former took their religion for granted. Their faith was in no danger of

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

being overwhelmed by an alien philosophy" (p. 46). This also helps to explain the negative qualities of the Pakistan Movement and why Pakistani nationalism could not sustain the territorial integrity of the independent state.

Burke's concern is with Pakistan's ability to blend its interest with those of the Western nations while India rebuffed all invitations to join in similar arrangements. It is the author's opinion that India was psychologically unprepared to join the Western camp. Such action would nullify the attainment of India's independent status. Colonialism was too fresh in the minds of India's leaders and the country had nothing to fear from the Communist states. Pakistan, on the other hand, not only had an internationalist outlook, it also represented an imperial history. Moreover, the Western alliances promised to compensate for the country's weakness vis-à-vis its larger neighbor. The latter, Burke demonstrates, was of primary importance given the attitude and policies of Prime Minister Jawaharlal Nehru. Burke is emphatic that Nehru unnecessarily embittered Indo-Pakistan relations and that Pakistan had no recourse but to seek support from those nations who were prepared to grant it.

In the second part of the volume Burke describes both the Indian and Pakistani governments' desires in the field of international relations. Neither country wished to remain indifferent to the world around them and each set an ambitious course of international involvement. India's objective was Third World leadership while Pakistan hoped to promote Islamic solidarity. But both countries were constrained by the domestic forces that influenced their external activity, even though in the first decade after independence, India proved to be far more successful than Pakistan.

Burke's prescription for remedying India's and Pakistan's problems will not satisfy the political realist. Not only does the author suggest important changes in socioreligious life styles within India and Pakistan, he also yearns for diminished great power presence in South Asia. Neither is about to happen, however, and this book provides numerous explanations why it cannot. It is not unusual for someone with Burke's background to urge the development of "small and medium powers, to offset the crushing dominance of the great powers" but he links this development with the creation of "an effective world organization which would abolish the irrational custom of settling disputes between sovereign states by war" (p. 244). It could be argued that this is an antiquated notion, prompted by the immediate post World War II era. It has almost no significance in the mid-1970s when major-power rivalries are so intertwined with the more limited regional conflicts of small states, some of whom are economic giants.

LAWRENCE ZIRING
Western Michigan University

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Urban Politics in India: Area, Power, and Policy in a Penetrated System *by Rodney W. Jones. Berkeley, University of California Press, 1974. —xviii, 420 pp. $20.00.*

Those looking for a survey of urban political systems in India in this work will find instead a finely detailed study of Indore, a city of 500,000 people in central India. Having presented the setting of the study ("The City in Indian Politics" and an economic and social profile of Indore), Jones describes the three facets of what he calls the "city arena": the "Princely State Heritage," Congress party factions, and a history of state politics from the viewpoint of Indore. He then deals with several arenas within Indore, dividing the discussion into two parts: first, the arena in which the Municipal Corporation governs; second, a series of intracity arenas—town planning, labor, and (briefly) agricultural markets, education, and the underworld. All of these arenas, Jones argues, are "penetrated" by the state: "Decision-making crucial to the city is primarily centralized at the summits of the two vertical structures [electoral and bureaucratic], usually outside the city at the state level of politics" (p. 12). Linkages within the administration have centered on civil servants from the princely state of Indore who were absorbed into the state civil service after 1947; linkages in the electoral structure center on three factions of the dominant Congress party.

These three factions lie at the core of politics in Indore, in Jones's account. He tells us an incredible amount about their composition, their bases of support, and their competition in Indore and in the state for more than twenty years (the field work for the study was completed in 1969). We are given names, dates, and detailed narrative; more detail, perhaps, than even the most determined Indianist will be able to absorb. Jones gives us, essentially, a well-informed insider's view of Indore politics, and since we cannot question his judgment on which of his informants were telling the truth and which press reports were accurate (these together constitute the core of his data), there is no standard of verification for the general reader to apply. If Jones wished only to illustrate his points, the size of the book could have been reduced, perhaps by half, with a salutary effect on its price.

In a few pages at the end of the book, Jones indicates how his data fit into a comparative framework—he uses the policy-process analysis of Robert H. Salisbury—but the importance of his contribution lies in the case for assigning state government the major role in urban arenas. Jones makes a good case for Indore being a typical Indian city in this respect, and the linkages between state and local systems (I would say "local" rather than "urban," since it remains to be seen whether "Indian rural politics" would look any different), do provide a focus of analysis, an alternative to the unit of the municipality, which must be considered, and not only in the Indian context. The value of local arenas for political actors who are not part of the state government is made clear, however, and the influence of local actors on state systems—since the linkages are

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

not one-way—is hidden by the emphasis on state government dominance. This work is thus not a complete account even of a typical Indian city, though in the new field that the study of Indian urban politics is, the application of linkage analysis and the portrayal of the penetration of a state government in local arenas are very useful contributions.

PHILIP OLDENBURG
University of Illinois at Urbana-Champaign

The Sea Change: The Migration of Social Thought, 1930–1965 *by Stuart Hughes. New York, Harper & Row, 1975.—x, 284 pp. $10.00.*

Under this title one expects to find names like Lazarsfeld, John von Neumann, Kurt Lewin, Joseph Schumpeter; institutions like the University in Exile, the New School, or the Princeton *Kaffeeklatsch;* schools of thought like *Gestalt* or *Bauhaus.* Instead, this is an odd collection of essays which Hughes was unable to fit into his previous book. Some authors whom he includes (Hesse, Wittgenstein, T. Mann, Tillich) are not social thinkers and did not flee from Nazism in the 1930s (Hesse, Wittgenstein) or did not cross the Atlantic (Freud, Mannheim). On the other hand, had Horkheimer and Adorno never seen Morningside Drive, few might have noticed the difference. But authors who achieved wide influence, like von Mises, Leo Strauss, and others on the Right are not mentioned; even Popper makes the book only as a target of Adorno's attack.

Granted, Hughes may write his own book; however, why should a reader be interested in the color of Erikson's hair, the timbre of Franz Neumann's voice, Wittgenstein's personality problem, Thomas Mann's reentry trouble into Germany, or Mrs. Adorno's "utter loyalty"? Moreover, the book is loaded with misinformation which occasionally verges on slander: Erich Fromm, who is politically to the left of Hughes, is charged with conformism (p. 197). Georg Lukács is said to have accepted "the orthodox view of historical materialism as the mechanical working out of fixed economic laws" (p. 139). The Frankfurt scholars, far from "denying" that they were idealists (p. 139), rather used "German idealism" as an Aesopian cover for Marxism. Nor was Tillich "the only existentialist to thrive on American soil" (p. 267); what about Kaufmann and Arendt? Thomas Mann certainly was no "early" representative of the exiles (p. 23), and his fellow-traveling was more complex than Hughes will have it (p. 243).

Enough of trivia. My quarrel is with Hughes's view of nationalism. He sees "nothing particularly sinister about the *völkisch* ideal" (p. 16) or about Hitler's program to unite all German-speaking people: "Few suspected that this was only his minimum program" (p. 17). Since the early 1920s the folk idea had been intimately linked with militarism and chauvinism; nor had Hitler disguised his aim of revenge. Hughes does not understand how a radically anti-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

modernist, know-nothing movement can be transformed into the instrument of ultra-modern totalitarianism; he dismisses the attempts of Hannah Arendt and Ernst Nolte to understand totalitarianism as a species which includes members from the Action Française to Stalinism. His concern is whether fascism is compatible with, hostile to, or derivative of capitalism, but he does not ask whether it is compatible with other economic systems; he fails to mention in this context both Neumann's term "command economy" and Hilferding's famous article on it.

Instead, he allows generous space to the Frankfurt School's contention that between mass society in the West and regimentation in the Soviet Union there is little to choose. German upper-class intellectuals and especially Jews (who constitute the bulk of Hughes's protagonists; indeed he mentions no Eastern refugees, neither Nabokov nor Berdyaev, neither Rocker nor Brzezinski) brought to these shores the *völkisch* contempt of both Russian barbarism and American egalitarianism. They made a point of informing their hosts how far superior they felt to "mass society." Instead of putting the impostors in their place, or instead of simply reciting Max Weber's and Tönnies' examples of mass society in Europe, however, American intellectuals fell on their bellies. Not since Chrysoloras landed in Firenze have so many foreigners been adulated like prophets in their new country. But what followed this time was not the Renaissance but a flagellant proto-Reformation. This unbelievable story, of which the present volume is a sorry victim rather than a witness, remains to be written.

HENRY PACHTER
City College, The City University of New York

Hegel's Theory of the Modern State *by Shlomo Avineri. New York, Cambridge University Press, 1972.—xi, 252 pp. $11.95.*

Until the appearance of Shlomo Avineri's book the English-speaking world had not had an objective, balanced, and comprehensive account of Hegel's political theory. John Plamenatz's section on Hegel in the second volume of his *Man and Society* has great merits, but his treatment is rather subjective and selective. It is confined very largely to a critical examination of just *The Phenomenology of Mind* and *The Philosophy of Right.* And Plamenatz dissects and reconstitutes Hegel's arguments so completely that it is sometimes difficult to separate Hegel's views on man and society from his own.

Avineri's approach is quite different and has different virtues. The book is not a battle of wits between Hegel and Avineri, but rather an account of Hegel's own struggle to come to terms with the social and political reality of his time, to free himself from the influences of traditional or currently fashionable ideas, and to reconcile his philosophical vision of man with his perception of the un-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

folding historical process. Avineri lets Hegel speak mainly for himself and stays modestly in the background. But his role is by no means inactive. He elicits Hegel's views on a very wide range of issues, he signals changes in his attitude through time, he highlights salient features, and points out merits and shortcomings. He is particularly concerned to draw the reader's attention to the originality or novelty of Hegel's insights. He gives full weight not only to the main philosophical works, but also to political writings, sketches, fragments, and correspondence. He rightly sees politics as the consuming passion of Hegel's whole life, visible in the youthful manuscripts on the nature of Christianity and Judaism no less than in the article on the English Reform Bill written in the last weeks of his life. The only major work Avineri somewhat neglects is *The Phenomenology of Mind*. The fact that there are several excellent commentaries on it may well justify the omission, but one should recognize that the work bears on Hegel's views on man, society, and the state in many important ways.

Avineri deals with Hegel's writings mainly in chronological order, and his method—a highly effective one in my opinion—is to focus attention on the concept or issue which seemed to absorb Hegel in a particular work or a group of works. Thus he focuses on the nature of the modern state when discussing Hegel's tract on the German empire, and on the problems of what Hegel was later to call "civil society" when dealing with the writings of the Jena period. In this context Avineri brings out the tremendous importance of the so-called *Jenaer Realphilosophie* (material for lectures delivered at Jena University in 1805–1806 and first published in 1931). It was in those lectures that Hegel first grappled with the problems of modern industrial society and their challenge to the established ethical ideas and political institutions. And it was there that we find a clear anticipation of *The Philosophy of Right*.

Avineri's discussion of the problems of "civil society" in Hegel's political theory forms the best section of his book. He shows that in his youth Hegel treated the state as merely an organization for the protection of individual life and property and that it took him some time to transcend this viewpoint. But transcendence—*Aufhebung*—did not mean a complete rejection. In the mature version of Hegel's political theory the original conception of the state, renamed "civil society," reappears as a sphere of free individual and group activity within a framework of law enforced by public authority. Hegel sees it as an essential aspect of the modern, politically organized community, which unlike ancient societies legitimizes and protects such activity, while seeking to maintain the primacy of its own universal interests. Avineri points out an interesting parallel with the young Marx who also owed his insight into the nature of modern society to the study of the classical political economy and who —like Hegel at the same stage—was striving to synthesize this insight with his philosophical anthropology.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Hegel is one of the most enigmatic political theorists and one criterion for judging the merit of a study about him is the extent to which it succeeds in clearing away some of the enigma. Avineri's remarkable achievement is to remove altogether the sense of enigma from Hegel's political theory. There are, of course, plenty of enigmas in Hegel's speculative philosophical system; unfortunately for his present-day readers he often chose to express political insights in the language of metaphysics rather than empirical or normative theory. Avineri refuses to get bogged down in the morass of Hegelian metaphysics. He uses terms which he thinks can be understood by the nonexpert reader or translated into a more familiar language. Some may hold this aloofness from metaphysics against him. In my view it was a very wise course.

Z. A. PELCZYNSKI
Pembroke College, Oxford

REFERENCE BOOKS AND SOURCE MATERIALS RECEIVED

Documents on Nazism, 1919–1945 *edited by Jeremy Noakes and Geoffrey Pridham. New York, The Viking Press, Inc., 1975.—704 pp. $20.00.*

Documents on Political Thought in Modern India, Vol. 1 *by A. Appadorai. New York, Oxford University Press, 1974.—lxxxvi, 547 pp. $13.75.*

Foreign Relations of the United States 1948, Vol. III: Western Europe *prepared by Department of State. Washington, D. C., Government Printing Office, 1974.—xiii, 1165 pp. $12.90.*

Foreign Relations of the United States 1948, Vol. VI: The Far East and Australia *prepared by Department of State. Washington, D. C., Government Printing Office, 1974.—x, 1379 pp. $14.40.*

Foreign Relations of the United States 1949, Vol. IX: The Far East: China *prepared by Department of State. Washington, D. C., Government Printing Office, 1974.—vi, 1441 pp. $14.75.*

The Growth of Presidential Power: A Documented History, Vols. I–III *by William S. Goldsmith. New York, Chelsea House Publishers in association with R. R. Bowker Company, 1974.—2342 pp. $96.50.*

Historic Documents of 1974 *prepared by the staff of Congressional Quarterly. Washington, D. C., Congressional Quarterly, Inc., 1975.—xxviii, 1050 pp. $30.00.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

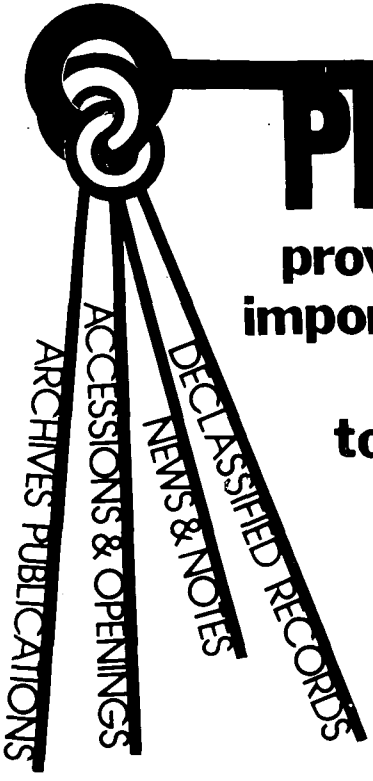
Inventory of the Papers of Senator Wayne L. Morse, 1919–1969 *prepared by Martin Schmitt. Eugene, Ore., University of Oregon Library, 1974.—257 pp. $4.50.*

The Papers of Adlai E. Stevenson, Vol. V: Visit to Asia, the Middle East, and Europe March–August 1953 *edited by Walter Johnson. Boston, Little, Brown and Company, 1975.—xvi, 512 pp. $17.50.*

The Papers of General Lucius D. Clay: Germany 1945–1949, Vols. One and Two *edited by Jean Edward Smith. Bloomington, Ind., Indiana University Press, 1975.—xli, 1210 pp. $35.00.*

The Papers of Woodrow Wilson, Vol. 18: 1908–1909 *edited by Arthur S. Link. Princeton, N. J., Princeton University Press, 1975.—xxi, 672 pp. $22.50.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



PROLOGUE

provides important keys to the PAST

PROLOGUE, the quarterly journal of the National Archives features studies in constitutional and administrative law, diplomatic and political history, and many other areas of interest to the political scientist. Regular sections cover newly declassified records, Archives publications, and accessions.

PROLOGUE Subscriptions, the Journal of the National Archives (NEPS) Dept. A05, Wash., D.C. 20408

PROLOGUE Subscriptions
National Archives (NEPS) Washington, D.C.

Please send me ***PROLOGUE*** for one year at $8.00

Check enclosed_____ Bill me_____

Name_____

Address_____

City_____ State_____ Zip_____

Professional Interest_____

_____

(A05)

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

spring books '75

The Gun in America: The Origins of a National Dilemma by Lee Kennett and James LaVerne Anderson. LC 74-5990. x, 339 pp. $12.95

The Gun in America explains why America's present "gun problem" lies in its past. Steering a course between the heavily technical and the sensational, the authors show why the American is inclined to reach for a gun and why one is at hand.

The Politics of Race and International Sport: The Case of South Africa by Richard E. Lapchick. LC 74-11705. 260 pp. $13.95

In the 1950s and 1960s, overtly racial aspects of politics were interwoven with international sports events, most particularly in the case of South Africa. It is that historical phenomenon that the author studies in this volume.

William Allen White: Maverick on Main Street by John D. McKee. LC 74-5991. x, 264 pp. $12.95

This biography of the Pulitizer Prize-winning journalist depicts the man who remained in the wide middle of the political road and who, nevertheless, has had an enduring impact as a mover of American society.

Gold is Money edited by Hans F. Sennholz. LC 74-15161. xiv, 299 pp., $11.95

This collection of nine articles develops the theoretical and historical bases for the remonetization of gold The flavor is conservative; the arguments are not only economic, but also political and philosophic.

The Rights of Union Members and the Government by Philip Taft. LC 74-5994. xv, 348 pp. $14.95

The first general review and tabulation of the effects of the LMRDA (the Labor-Management Reporting and Disclosure Act, or the Landrum Griffin Act, 1959) based on actual performance.

Uruguay: The Politics of Failure by Martin Weinstein. LC 74-19809. xviii, 190 pp. $13.50

The history of Uruguay in this century is a record of apparent success followed by abrupt decline. The author explains how and why a nation regarded as superior and more democratic than its sister republics could so easily "fall" and come to resemble them.

GREENWOOD PRESS

a division of Williamhouse-Regency Inc.
51 RIVERSIDE AVENUE, WESTPORT, CONNECTICUT 06880

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The New Liberty

Survival and Justice in a Changing World

Ralf Dahrendorf. Director of the London School of Economics and a former Commissioner of the European Economic Community, Ralf Dahrendorf is one of the leading sociologists of our time. Of these six lectures, comprising the 1974 BBC Reith Lectures, he explained: "I want to examine the condition of advanced societies, and the chance for its improvement in the light of real opportunities of human liberty. If we seem unable to solve our social, economic, and political problems—those of survival and justice—it is not our abilities which are at fault, but the ossified structures of a society in which progress so often turns into bureaucracy." Dr. Dahrendorf insists that to achieve a new liberty demands a broad change in the way we view history—a change from an orientation determined by expansion to one bent on improvement. Whereas expansion is a matter of quantity, improvement is a matter of quality, of replacing the crude compartmentalization of life into periods of education, work, and leisure with some mixture of the three that makes each more meaningful and satisfying. $5.95

The Politics of Oil in Venezuela

Franklin Tugwell. A case study of the relationship between foreign oil corporations and the state, this book focuses on the strategies adopted by Venezuelan leaders to control the behavior of the world's largest and most powerful multinational corporations. Among the main themes of the book are the pattern of bargaining and conflict between the government and the oil companies; the impact of ideology upon the selection of alternative courses of action; and the interdependence of the domestic political process, petroleum policy, and rapid social change. $8.95

Stanford University Press

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

New from Chicago

THE LIMITS OF LIBERTY
Between Anarchy and Leviathan
James M. Buchanan

Employing the techniques of modern economic analysis, Professor Buchanan reveals the conceptual basis of an individual's social rights by examining the evolution and development of these rights out of presocial conditions.

1975 xi, 210 pages Cloth $12.50

THE CONSTITUTION AND THE DELEGATION OF CONGRESSIONAL POWER
Sotirios A. Barber

Barber analyzes the constitutional "rule of non-delegation," focusing specifically on its conceptual origins and its relationship to other constitutional ideas. He then proposes a set of guidelines designed to alert the courts and the public to cases of excessive or improper delegations of power.

1975 176 pages Cloth $12.00

AN ESSAY ON THE THEORY OF ENLIGHTENED DESPOTISM
Leonard Krieger

In this study, Leonard Krieger offers an analysis of the intellectual roots of the doctrine of "enlightened despotism" and a reassessment of its place in intellectual history.

1975 120 pages Cloth $9.25

THE ARGUMENT AND THE ACTION OF PLATO'S *LAWS*
Leo Strauss
With a Foreword by Joseph Cropsey

". . . far and away the most comprehensive and profound work of scholarship I have read on the *Laws;* it brings order and unity where only confusion and darkness prevailed."—Allan Bloom, University of Toronto

1975 192 pages Cloth $10.75

THE UNIVERSITY OF CHICAGO PRESS
Chicago 60637

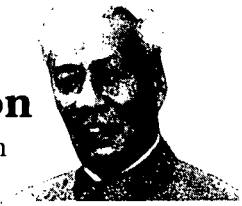
LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

NEW
FROM CALIFORNIA

Liu Shao-ch'i and the Chinese Cultural Revolution

The Politics of Mass Criticism

Lowell Dittmer



Dittmer illuminates the policy-making process of a revolutionary state facing the diverging exigencies of economic modernization and political development. Liu Shao-ch'i emerges as the symbol of a systematic endeavor to combine order with revolution and equality with economic efficiency and technocratic values. In the end he was overwhelmed by the sweep and depth of the revolutionary drive in China, as symbolized by Mao Tse-tung, and was destroyed politically. Yet his "road not taken" will endure as a meaningful point of reference in the political development of China.

400 pages, $12.95

Hobbes on Civil Association

Michael Oakeshott

The writings of Thomas Hobbes, whose *Leviathan* is the greatest work of political philosophy written in English, have received renewed attention in recent years. This volume includes the *Leviathan* followed by three other essays: "The Moral Life in the Writings of Thomas Hobbes," "Dr. Leo Strauss on Hobbes," and "*Leviathan:* A Myth."

170 pages, $8.50

At bookstores

UNIVERSITY OF CALIFORNIA PRESS
BERKELEY 94720

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

SPECIAL OFFER: 25% off regular price!!

Hardcover $8.95—now only $6.70 Paperback $2.95—now only $2.20

From Hegel to Sartre and from Marx to Mao

Philosophy & Revolution

by Raya Dunayevskaya

A Dell Publication

- former secretary to Leon Trotsky
- author of MARXISM AND FREEDOM

CONTENTS

Part I—Why Hegel? Why Now?
Hegel • Marx • Lenin

Part II—Alternatives
Trotsky • Mao • Sartre

Part III—Economic Reality and Dialectics of Liberation
African Revolutions • East European Revolts • New Passions and New Forces

"A provocative work . . . Lenin, to whom Miss Dunayevskaya devotes her most inspiring pages, was alone to understand the subjective and therefore ever original character of the revolutionary dialectic . . . Nor is her critique limited to the Marxists of the Communist world. Sartre himself in his *Critique of Dialectical Reason* never accepted the living man, that is, the *real* masses, as subject of the revolution . . . Miss Dunayevskaya sees the truly innovative dialectic at work in the masses that staged the revolts against the communist regimes of East Germany, Hungary and Poland."

—Louis Dupre, Journal of the History of Ideas

"If one seeks the central idea of Ms. Dunayevskaya's work, it may be found to be that of *praxis* . . . not what Marxists have said about it and made of it in translating it as 'practice' but what Karl Marx himself understood by the term . . .

"In Dunayevskaya's view, of particular importance are the different resistance movements which from 1956 to 1970—in Warsaw and Budapest and Prague, Gdansk and Szczecin—have united workers and youth from various countries of Eastern and Danubian Europe in revolt against the inhuman oppression of local Marxist-Leninist regimes . . . She asks. 'Is it not time for intellectuals to begin, with where the workers are and what they think, to fill the theoretic void in the Marxist movement?' "

—Henri Chambre, Slavic Review

(Free with each hardcover order: Raya Dunayevskaya's original (1941) study of *Russia as State Capitalist Society*)

Order from: News & Letters, 1900 E. Jefferson, Detroit, MI 48207

Enclosed find_____for PHILOSOPHY AND REVOLUTION. (Hard____; Paper____)

Name_____ Address_____

City_____ State_____ Zip_____

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

SEEKING A PUBLISHER?

AN INCREASING NUMBER OF AUTHORS IN THE ACADEMIC FIELD ARE DISCOVERING IT PAYS TO

PUBLISH YOUR BOOK with EXPOSITION PRESS

So you've written a book—at considerable cost in time, resources, and energy—and you feel it's a major contribution to literature in your field. That is, it would be a contribution if you could get it published and on the market.

Economics prevent trade publishers from accepting scholarly books, or any others, which do not have an early guaranteed sale of 7,500 copies.

There's no argument about the contribution of university presses. But you may find them overcommitted and under-funded. Even when they accept a manuscript, they often schedule publication two to four years in the future.

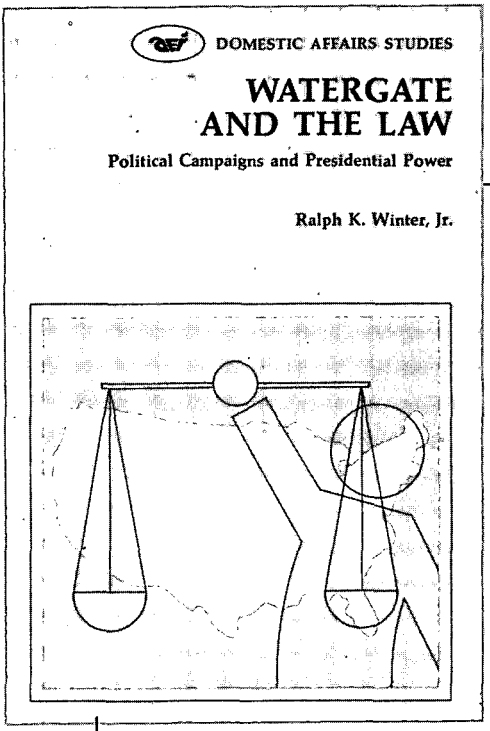
There's another way: Our special "Exposition-University" imprint offers you a complete publishing service under one roof—editing, quality manufacture and dynamic marketing—with completed books in just three to four months. Our 35 years of experience is producing a growing level of sales to libraries, colleges, learned societies, professional groups, and interested laymen.

Our two FREE fact-filled books and literature provide costs, details and success stories. An editorial report on your manuscript will be furnished without obligation. Write Dept. 493.

EXPOSITION PRESS, INC.

900 S. Oyster Bay Rd. (516) 822-5700
Hicksville, N.Y. 11801 (212) 895-0081

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



Featuring a chapter on campaign financing reform:

WATERGATE AND THE LAW

Political Campaigns and Presidential Power

Ralph K. Winter, Jr.

UPI senior editor Arnold B. Sawislak says Professor Winter is "the academic world's most outspoken opponent not only of publicly subsidized political campaigns, but of limitations on campaign spending and contributions as well."

The author argues that public financing of political campaigns and limitations on candidate spending or on individual contributions to candidates are steps which are unwise and of doubtful constitutionality.

Yale Law School professor Ralph K. Winter, Jr. wrote this study at the request of the Senate Watergate Committee. A panel of distinguished scholars headed by the late Alexander M. Bickel served as consultants.

85 pages paperback, $3.00

American Enterprise Institute for Public Policy Research
1150 Seventeenth Street, N.W.
Washington, D.C. 20036
202/296-5616

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

New from Columbia

PRELUDE TO REVOLUTION
Mao, the Party, and the Peasant Question, 1962-1966
RICHARD BAUM

Providing new insights into a particularly confusing historical period, Richard Baum, in his new book, discusses the origins of the Great Proletarian Revolution in three interrelated areas: the conflicts between Mao Tse-Tung and his chief lieutenants, the Socialist Education Movement, and the state and rural party administrations. $10.00

PUBLIC PAPERS OF THE SECRETARIES-GENERAL OF THE UNITED NATIONS
ANDREW W. CORDIER and WILDER FOOTE, Editors
Volume 5: Dag Hammarskjöld, 1960-1961

This volume presents the documented story of the United Nations operation in the Congo and the Soviet challenge to the Secretary-General's place in world affairs to the time of Hammarskjöld's death. $27.50

CULTURES IN CONFLICT
The Four Faces of Indian Bureaucracy
STANLEY J. HEGINBOTHAM

Based on extensive interviews and sophisticated questionnaire surveys, Professor Heginbotham reveals the complex of cultural, historic, and ideological forces acting upon bureaucracies in India. This important new study reveals not only the structure of modern Indian bureaucracy but also the details of that life and style. $12.50

EASTERN EUROPE
A Geography of the COMECON Countries
ROY E. H. MELLOR

In this systematic survey of the Socialist countries of Eastern Europe—the German Democratic Republic, Poland, Czechoslovakia, Hungary, Rumania, Bulgaria, Yugoslavia, and Albania—Professor Mellor links together the historical and contemporary scenes and illuminates the complexity and interrelationships of these countries.

cloth, $17.50; paper, $9.00

COLUMBIA UNIVERSITY PRESS

Address for orders: 136 South Broadway, Irvington, New York 10533

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The Academy of Political Science

BOARD OF DIRECTORS

Franz Schneider
Chairman of the Board

Emilio G. Collado
Vice Chairman of the Board

Robert H. Connery
President

Grayson Kirk
Vice President

Thomas M. Macioce
Vice President and Treasurer

John V. Connorton
Secretary

Charles Preusse
General Counsel

Douglas M. Black
Courtney C. Brown
Arthur F. Burns
Leland M. Goodrich
Andrew W. Cordier
Robert MacCrate
George B. Munroe
Alfred C. Neal
Mary G. Roebling
George T. Scharffenberger
Harold A. Stevens
John R. Stevenson
Alan H. Temple
Aaron W. Warner

HONORARY MEMBERS

Miguel Alemán
David Bruce
W. Randolph Burgess
Roberto de O. Campos
Louis Camu
John Sherman Cooper
Arthur H. Dean
Milton S. Eisenhower
Luther Gulick
W. Averell Harriman
Oveta Culp Hobby
Jerome H. Holland
Lady Bird Johnson
Mary Lasker
John J. McCloy
Harold Macmillan
Charles Malik
Paul Martin
Jean Monnet
N. A. Palkhivala
Galo Plaza
Sir Eric Roll, K.C.M.G., C.B.
Carlos P. Romulo
Dean Rusk
Margaret Chase Smith
Sir Duncan Wilson, G.C.M.G.

The Academy of Political Science was founded in 1880 to promote objective, scholarly investigations of political, social, and economic problems. Through its conferences and publications it seeks to inform the public by presenting widely divergent views of these problems. It does not make specific policy recommendations.

In addition to the POLITICAL SCIENCE QUARTERLY, the Academy publishes the PROCEEDINGS OF THE ACADEMY OF POLITICAL SCIENCE twice a year at irregular intervals. Members receive both publications and invitations to all Academy conferences and functions.

Regular membership: One year, $14. Three years, $35. Student, $10 a year. Foreign postage, $2 additional per year.

Special membership: Life, $300. Supporting, $50 a year. Sustaining, $30 a year. Contributing, $20 a year. Special members receive a certificate.

Contributions are tax deductible.

Dues are payable in advance. Checks should be made payable to the Academy of Political Science and mailed to 2852 Broadway, New York, New York 10025.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED